

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO: 202 OF 2014

IN THE MATTER OF Section 64 (2) 72(1) and 75(1) of the Registered Land Law (2004) Revision

BETWEEN: DENNIS BRADY and CLAUDIA BRADY PLAINTIFFS

AND: NATIONAL BUILDING SOCIETY OF CAYMAN DEFENDANT

ORIGINATING SUMMONS

TO: National Building Society of Cayman
71 Eastern Ave,
P.O. Box 504
Grand Cayman, KY1-1106
Cayman Islands

THIS ORIGINATING SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

Within 14 days after the service of this Originating Service on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P. O. Box 495GT. George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 8th day of Sep. 2014


IMPORTANT

Directions for acknowledgment of service are given with the accompanying form.

NOTE: This Originating Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by Order of the Court.

INDORSEMENTS

- (a) The Plaintiffs claim is for an Injunction restraining and prohibiting the Defendant whether by himself, his servants or agents or otherwise, from any and all actions, pursuant to Section 64(2) of the Registered Land Law (2004 Revision) the objective of which is to proceed to list and sell the properties more specifically identified as Registration Section- Spotts, Block 25C Parcel 319 and South Sound Block 15C Parcel 252H5 (“**the Properties**”), owned by the Plaintiffs and which Properties the Defendant holds the first Legal Charge over, as any such action on the part of the Defendant, his servants or agents; will be in breach of the Defendant’s obligations under Section 75(1) of the Registered Land Law (20004 Revision) to act in good faith and unreasonable .
- (b) The Plaintiffs in addition to Paragraph (a) claim that the proposed or any listing and sale of the properties, or any act by the Defendant, his servants or agents designed to achieve any such objective, would prove a detriment to the Plaintiffs and the Plaintiffs further are of the settled opinion, that there exists a conflict of interest and malfeasance on the part of an employee of the Defendant, which employee prior to, expressed openly to the Plaintiffs and indeed the Defendant, an interest in acquiring the said property identified as South Sound Block 15C Parcel 252 H5, and that the said employee was and remains for all intents and purposes, the person assigned to oversee, administer and had or else continues to have significant conduct and influence over the said Property, and any related affairs, on behalf of the Defendant, in relation to the said Property and has unequivocally and significantly influenced and has eventually participated in the processes associated with the Defendant’s current position as relates to the Plaintiffs Properties, and by inescapable inference, engineered the state of affairs which has led up to the Letters of Demand dated May 22 2014 being issued and ultimately, the decision by the Defendant, to list the said Properties owned by the Plaintiffs ;which the Defendant holds the first Legal Charge over.
- (c) The Plaintiffs seek and Order of Mandamus restraining and preventing the Defendant from listing and selling the Properties and directing the Defendant on equitable grounds, to grant to the Plaintiffs, the period of a further three months, which is to commence upon the expiry of the period ending September 8 2014, in order that the Plaintiffs might be afforded the opportunity to continue the process of actively seeking to resolve the matter of the arrears and or acquire a mortgage takeover; by another lending institution.



DENNIS BRADY
PLAINTIFFS



CLAUDIA BRADY
PLAINTIFF

This **Originating Summons** was prepared and issued by Dennis Brady and Claudia Brady, the Plaintiffs herein whose address for service is Building A3 Trinity Square, Eastern Ave, George Town, Grand Cayman, P. O. Box 11740 APO, Grand Cayman, KY1-1009, Cayman Islands