

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 293 OF 2009

BETWEEN:

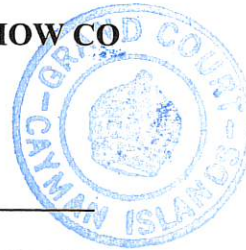
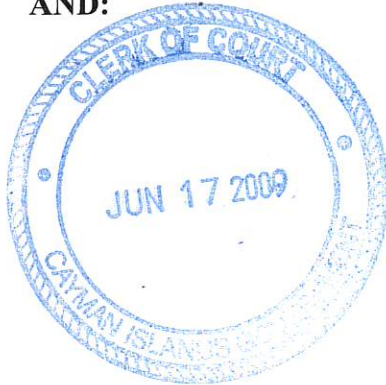
KELSO-BURNETT CO

PLAINTIFF

AND:

PHILLIPS GETSCHOW CO

DEFENDANT



WRIT OF SUMMONS

TO: PHILLIPS GETSCHOW CO
c/o The Secretary of State
Department of Business Services
Springfield
Illinois 62756
USA

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

Within 28 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, Grand Cayman KY1-1106, Cayman Islands, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment 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 day of June 2009.

NOTE - This Writ 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.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. On 27 May 2008 the Plaintiff obtained a Judgment in the Circuit Court of the 19th Judicial Circuit Lake County Illinois Chancery Division, United States of America in Cause No. 02 Ch 2095 against the Defendant (“the Judgment”).
2. The Judgment was in the sum of US\$695,462.99 plus statutory pre-judgment interest in the amount of US\$206,447.71 for total Judgment amount of US\$901,910.70.
3. The Judgment is in relation to money owed by the Defendant to the Plaintiff for construction work performed by the Plaintiff at the request of the Defendant acting as the Defendant’s sub-contractor. The Judgment is not in respect of taxes or other charges of the like nature in respect of a fine or other penalty.
4. The Judgment is regular, final and conclusive and all limitation periods to appeal have expired.
5. The Court of the 19th Judicial Circuit Lake County Illinois had jurisdiction to grant the Judgment and the principles of natural justice were observed.
6. Enforcement of the Judgment is not contrary to Cayman Islands public policy.

The Plaintiff claims as follows:

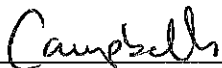
- A. the sum of US\$901,910.70;
- B. interest in accordance with the Judicature Law; and

C. costs.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of US\$901,910.70 plus interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

DATED this 16 day of June 2009

FILED this 16 day of June 2009



CAMPBELLS
Attorneys-at-Law for the Plaintiff

THIS WRIT AND STATEMENT OF CLAIM is filed by Campbells, Attorneys-at-Law for the Plaintiff whose address for service is 4th Floor Scotia Centre, George Town, Grand Cayman, Cayman Islands Tel: 949-2648 (Ref: MPC/lc/16079)

BETWEEN:

KELSO-BURNETT CO

PLAINTIFF

AND:

PHILLIPS GETSCHOW CO

DEFENDANT

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important: Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, ***THIS FORM MAY HAVE TO BE RETURNED.***

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the appropriate box)

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box).

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

Notes on address for service

Attorney: Where the Defendant is represented by an Attorney, state the Attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign Attorney.

Defendant in person: Where the Defendant is acting in person, he must give his post office number and the physical address of his residence or, if he does not reside in the Cayman Islands he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered office.

Indorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any in the box below:

Campbells 4 th Floor Scotia Centre PO Box 884 GT Grand Cayman KY1-1103 Ref: MPC/16079
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Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any in the box below:

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DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a Defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.