

IN THE GRAND COURT OF THE CAYMAN ISLANDS

PROBATE AND ADMINISTRATION CAUSE NO. 15 OF 1997

IN THE MATTER OF THE ESTATE OF CARMEN HULITA RATTRAY, DECEASED

BETWEEN: JOAN WARREN, DENNIS ALLENGER and  
BRIAN ALLENGER as executors of the will  
of the late CARMEN HULITA RATTRAY,  
deceased

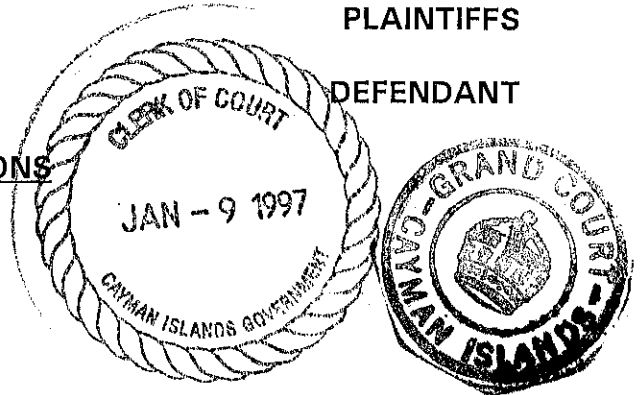
PLAINTIFFS

AND: ROY RATTRAY

DEFENDANT

WRIT OF SUMMONS

TO: Roy Ratray  
c/o Ritch & Conolly  
Attorneys-at-Law  
Royal Bank Bldg.  
George Town  
Grand Cayman



**THIS WRIT OF 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 Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, 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 9<sup>th</sup> day of January 1997.

**NOTE** - This Writ may not be served later than four (4) calendar months beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

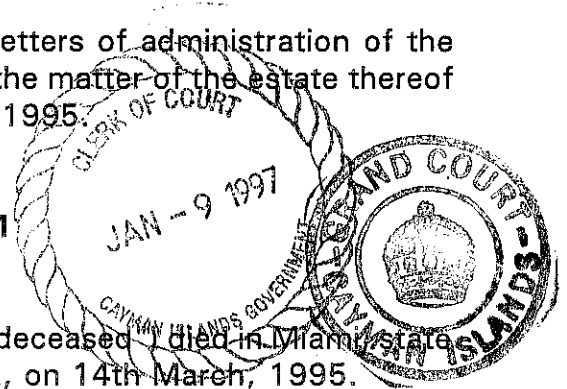
Directions for Acknowledgment of Service are given with the accompanying form.

**INDORSEMENT**

The plaintiffs claim to be the executors named in the last will dated 28th November, 1979 of Carmen Hulita Rattray, late of Miami, state of Florida, one of the United States of America, who died on 14th March, 1995, and to have the said will established.

This writ is issued against you as the applicant for letters of administration of the estate of the late Carmen Hulita Rattray, deceased in the matter of the estate thereof bearing Probate and Administration Cause No. 62 of 1995.

**STATEMENT OF CLAIM**



1. The late Carmen Hulita Rattray, deceased ("the deceased") died in Miami, state of Florida, one of the United States of America, on 14th March, 1995.
2. The deceased was domiciled in the said state of Florida at the time of her death.
3. The deceased executed her last will of her estate situate in the Cayman Islands ("the estate") in Montego Bay, Jamaica on 28th November, 1979.
4. The estate is comprised, inter alia, of land situate in the Cayman Islands.
5. The plaintiffs were appointed by the will referred to in paragraph 3 hereof ("the will") as the executors thereof.
6. The defendant has applied for letters of administration of the estate in a Probate and Administration file which bears cause number 62 of 1995.
7. The defendant claims that the will was not executed by the deceased and that her signature thereon was forged, an assertion which the plaintiffs deny.

**AND THE PLAINTIFFS CLAIM FORM THE DEFENDANT:**

- (a) THAT the will of the deceased's estate situate in the Cayman Islands executed by the deceased in Montego Bay, Jamaica on 28th November, 1979 be established.

(b) FURTHER and/or other relief.

(c) THAT the defendant pay the plaintiffs' costs of the action.

Dated this 9<sup>th</sup> day of January, 1997.

*Hunter & Hunter*

Hunter & Hunter  
Attorneys-at-Law for the Plaintiffs

TO: The Clerk of the Court

AND TO: The Defendant



**THIS WRIT OF SUMMONS** was issued by Hunter & Hunter, the attorneys-at-law for the plaintiffs, whose address is The Huntlaw Building, Fort Street, P.O. Box 190, George Town, Grand Cayman, Cayman Islands, B.W.I. (Ref: WD/R293L)

**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***

***Please complete overleaf***

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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.

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BETWEEN: JOAN WARREN, DENNIS ALLENGER and  
BRIAN ALLENGER as executors of the will  
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deceased PLAINTIFFS

AND: ROY RATTRAY DEFENDANT

ACKNOWLEDGMENT 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.

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

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

yes

no

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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*).

yes

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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 box 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 communication for him should be sent. In the case of a limited company, "residence" means its registered or principal 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.

Hunter & Hunter  
Attorneys-at-Law  
The Huntlaw Building  
Fort Street  
P.O. Box 190  
George Town  
Grand Cayman

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

