

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 482 OF 2009



BETWEEN:

**FIRSTCARIBBEAN INTERNATIONAL BANK  
(CAYMAN) LIMITED**

Plaintiff

AND:

**BARRINGTON CAMPBELL**

Defendant

**WRIT OF SUMMONS**

To the Defendant: Barrington Campbell  
PO Box 366  
Grand Cayman KY1-1106  
Cayman Islands



THIS WRIT OF SUMMONS has been issued against you by the ~~above~~ named Plaintiff, of FirstCaribbean House, 25 Main Street, PO Box 68, Grand Cayman, KY1-1102, Cayman Islands, 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, PO Box 495 GT, 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        day of October 2009

NOTE – This Writ may not be served later than 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.

### STATEMENT OF CLAIM

1. The Plaintiff is a retail bank carrying on business at its branch at FirstCaribbean House, 25 Main Street, P.O. Box 68, Grand Cayman KY1-1102, Cayman Islands, and elsewhere.
2. The Defendant is and was at all material times a customer of the Plaintiff at the said branch.
3. On 30 September 2003, the Defendant entered into an agreement in writing with the Plaintiff whereby the Plaintiff agreed to loan to the Defendant the sum of CI\$31,000.00, which amount together with interest accruing at the rate of five percent (5.0%) per annum above the Prime Rate for the Cayman Islands was to be repayable by the Defendant by way of monthly amortized repayments of CI\$900.00 over a period of three [3] years (the "Loan").
4. The Loan was granted to assist the Defendant with the purchase of certain chattel property and to consolidate two prior loans made by the Plaintiff to the Defendant.
5. The Defendant has made two [2] payments towards the repayment of the Loan with the last such payment being made on 16 June 2009.
6. The Defendant has failed to service the Loan in accordance with the terms set out in paragraph 3 above.
7. By letter dated the 19 August 2009, the Plaintiff's attorneys made a written demand for the full amount in arrears owed by the Defendant to the Plaintiff being at that date:

(a) Principal:	CI\$	31,000.00
(b) Interest:	CI\$	<u>19,883.44</u>
(c) Total:	CI\$	50,883.44
8. The Defendant has failed to repay the amount in arrears, or any part thereof.
9. As of the date of issue hereof and in accordance with the terms of the Loan, the Defendant is indebted to the Plaintiff in the principal amount of CI\$31,000.00 (the "Principal") together with interest thereon and late fees in the amount of CI\$19,883.44 (a total sum of CI\$50,883.44), with interest continuing to accrue on

the Principal at the rate of 8.25% per annum or CI\$7.84 per diem until payment in full.

AND The Plaintiff claims:

- (i) The Principal sum of CI\$31,000.00;
- (ii) Interest on the Principal pursuant to the terms of the Loan, accruing at the rate of five percent (5.0%) per annum above the Prime Rate for the Cayman Islands or CI\$7.84 per diem until payment in full; and
- (iii) Costs.
- (iv) Any further and/or alternate relief this Honourable Court may deem just.

  
\_\_\_\_\_  
**OGIER**  
Attorneys at Law for the Plaintiff

This Writ of Summons and Statement of Claim was issued by Ogier, Attorneys at Law for the Plaintiff, whose address for service is: 89 Nexus Way, Camana Bay, PO Box 1234, Grand Cayman KY1-9007, Cayman Islands (Reference: WRJ/KC/402337.00205).

**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.
2. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495GT, George Town, Grand Cayman.
3. 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.

4. 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 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 of 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 his 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. \_\_\_\_ OF 2009

BETWEEN:

**FIRSTCARIBBEAN INTERNATIONAL BANK  
(CAYMAN) LIMITED**

Plaintiff

AND:

**BARRINGTON CAMPBELL**

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 of Summons is being acknowledged.**

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**2. State whether the Defendant intends to contest or otherwise participate in 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 of Summons 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 communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

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

Ogier  
Attorneys-at-Law  
PO Box 1234  
Grand Cayman KY1-9007  
Cayman Islands  
(Reference: 402337.00204)

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