

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No.: 121 of 2010

IN THE ESTATE OF RETA HAYWORTH
WHITTAKER A.K.A. RETA WHITTAKER
A.K.A. RETA HAYWORTH WHITTAKER REID
A.K.A. RETA WHITE, DECEASED

BETWEEN:

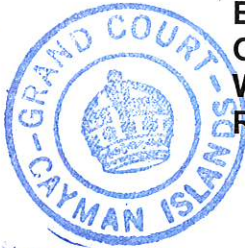
- (1) STEVE ERROL REID
- (2) SHIRLEY REID-MERRILL

Plaintiff's

AND:

BING WHITE AS THE ADMINISTRATOR OF THE ESTATE
OF RETA HAYWORTH WHITTAKER A.K.A. RETA
WHITTAKER A.K.A. RETA HAYWORTH WHITTAKER
REID A.K.A. RETA WHITE, DECEASED

Defendant



WRIT OF SUMMONS

TO: Mr. Bing White of P.O. Box 2177, Grand Cayman, KY1-1105, Cayman Islands.

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 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 495, George Town, Grand Cayman B.W.I., 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: 10 March 2010.

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

Background

1. On 19 March 2006, Ms. Reta Hayworth Whittaker a.k.a. Reta Whittaker a.k.a. Reta Hayworth Whittaker Reid a.k.a. Reta White, of 65 Jade Drive, West Bay, Grand Cayman, Cayman Islands died (the "Deceased") in the State of Florida in the United States of America.
2. On 23 December 2009, the Honourable Grand Court of the Cayman Islands, granted Letters of Administration to Mr. Bing White (the "Administrator") and the Letters of Administration are dated 7 January 2010 ("Letters").

The Parties

3. At all material times:
 - 3.1 The First Plaintiff was son of the deceased.
 - 3.2 The Second Plaintiff was the daughter of the deceased.
 - 3.3 On or about 13 July 1996, the Administrator married the Deceased. In or about early 1999, the Administrator and the Deceased separated. The Administrator and the Deceased were estranged up to and including her death.

4. At the date of her death, the Deceased left both the First and Second Plaintiffs as her surviving issue.
5. Since the date of the Deceased's death, the respective Plaintiffs have carried out extensive searches for a Will of the Deceased.
6. In or about late 2009, the First Plaintiff was at the George Town Court House. On reading the various notices, the First Plaintiff read a notice issued by the Defendant in which the Defendant was seeking letters of administration for the Deceased estate.
7. In or about 2009 the First Plaintiff instructed DaCosta attorneys to lodge a caveat on the Estate. DaCosta attorneys duly did so.
8. On or about 27 January 2010, the First Plaintiff discovered that the grant of letters of administration had already been made by the Honourable Grand Court.
9. On or about 31 January 2010, the Second Plaintiff whilst carrying out further searches for a Will of the Deceased at the Deceased last residential home at 65 Jade Drive, West Bay, Grand Cayman, Cayman Islands, found a photocopy document which is the Will of the deceased dated 18 July 1997 (the "Will").
10. At the time of the grant of Letters there was in existence a Will of the deceased dated 18 July 1997.

Particulars

- "July 18, 1997.*
- 10.1 *"This is my will Reta Hayworth Whittaker White. Of George Town Grand Cayman P.O. Box 1103. Reside at Mount Pleasant West Bay, Crystal Valley Estate, Jade Road."*
 - 10.2 *"This is my last will and testomy of all my propertys, cars, buses, moneys, clothers, jewery, shoes, companys, interst. And any thing that may come to me hereafter."*

- 10.3 *"All Reta bills should be paid in full before any sharing of goods, or possessions. Be shared."*
- 10.4 *"All my apartments at Walkers Roads Newport Ave. R.S. Apartments I give to my son Steve Reid. Block 14E/567. and 14E/584."*
- 10.5 *"I give to my son Steve Reid all my apartments at Webb Road George Town Grand Cayman block 14E parcel 050. Also block 14E parcel 49."*
- 10.6 *"I give to my son Steve Reid all my apartments at Crewe Road George Town block 20E parcel 142. All rent collected should share equal between my daughter Shireey and my grand daughter Stacie Ann Brown on this property only"*
- 10.7 *"I give to my son Steve Reid my dwelling house at West Bay. To be sold and the money be given to my grand daughter Taylor Reid. Only if he see fit to do so. The house I give to him only: to do what he wants to do with it."*
- 10.8 *"I give my bus company to my son Steve Reid. Cayman Tropical Tours Ltd. Also any other cars or buses I have."*
- 10.9 *"I give to my son Steve Reid all my money at Cayman National Bank. Account Number 305090. Also 305614. Also 305274. Also 113115. Also 6408. 408077. My loan should be paid off and Steve Reid. Do what ever he sees fit to do, with all moneys."*
- 10.10 *"I give to my daughter Shirley Reid White. My money at Royal Bank account number 1935507-002. Also my moneys at Butterfield Bank Account number 013/01/15557/00 Also 023/01/15557. All my moneys at Barclays Bank Account number 8236053. Also account# 290468. Also ACC#3510344"*
- 10.11 *"I give to my daughter Shirley and her daughter all my property at Bodden Town Cumber Ave."*
- 10.12 *"I give to my son and my daughter Shirley Reid White. To share equely all my property at Bodden Town Block 38C parcel 7 REM1"*
- 10.13 *"Any other property that I may come into that is not on this will I give to my son and daughter."*
- 10.14 *"I give to my grand daughter Ashlie Reid my computer."*

10.15 "I give to my son Steve Reid all power over this will, he is to carry on my business as normal as possible and do what he see fit to do. And God bless him"

10.16 "I give to Bing White \$2,000CI. This two thousand only. To given to him by my son Steve Reid."

10.17 " Sign By _____

Witness: _____

Witness: _____

Date 18-7-97

JAMES A BODDEN
JUSTICE OF THE PEACE
CAYMAN ISLANDS"

11. The respective Plaintiffs dispute the Defendant's entitlement to be the administrator of the Deceased's estate by virtue of the existence of the Will.

Interest of each Party

12. The First Plaintiff's interest in this matter is that firstly, he is the son of the Deceased. Secondly, he is the sole named executor in the Will. Thirdly, he is a beneficiary under the Will. Finally, he is also the father of Taylor Reid and Ashlie Reid who are the grand-daughters of the Deceased and are beneficiaries under the Will.
13. The Second Plaintiff's interest in this matter is that firstly, she is the daughter of the Deceased. Secondly, she is a named beneficiary under the Will. Finally, her daughter is the Deceased's grand-daughter, Staici-Ann Brown, who is also a beneficiary under the Will.
14. The Defendant is a beneficiary under the Will.

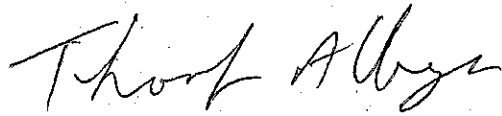
AND THE PLAINTIFFS CLAIM:

- (1) Revocation of the Letters of Administration made 23 December 2009.
- (2) That the Honourable Grand Court should pronounce on the Will of the Deceased dated 18 July 1997.
- (3) A grant of Probate of the estate of the Deceased to the First Plaintiff.

- (4) An injunction preventing the Defendant from dealing with any asset of the estate in any manner whatsoever pending determination of this matter by the Honourable Grand Court.
- (5) An account by the Defendant to the Plaintiffs as to his dealings with the property of the estate.
- (6) Costs.

Dated: 10 March 2010

Per:



THORP ALBERGA

Attorneys-at-Law for the Plaintiff's

THIS WRIT and STATEMENT OF CLAIM was issued by Thorp Alberga, Attorneys-at-Law for and on behalf of the Plaintiff whose address for services is Harbour Place, 103 South Church Street, P.O. Box 472, George Town, Grand Cayman KY1-1106.

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BETWEEN:

- (1) STEVE ERROL REID
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Plaintiff's

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WHITTAKER A.K.A. RETA HAYWORTH WHITTAKER
REID A.K.A. RETA WHITE, DECEASED

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.

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

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

yes

no

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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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 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.

Thorp Alberga
Attorneys-at-Law
P.O. Box 472
Grand Cayman - KY1-1106
Cayman Islands.
Ph: (345) 949-0699
Email: cmcduff@thorpalberga.com
Ref: CMD/R0360-003.

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

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 495, 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.