

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 333 of 1995

BETWEEN:

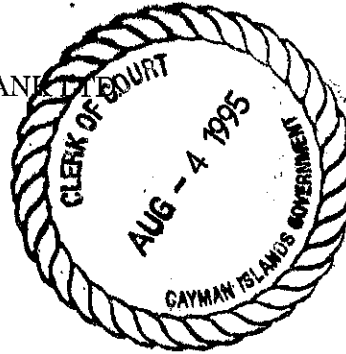
FIRST CAYMAN BANK LTD

PLAINTIFF

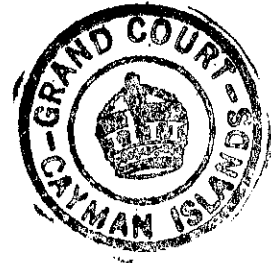
AND:

ALLAN GEE

DEFENDANT



SPECIALLY INDORSED WRIT OF SUMMONS



TO: Allan Gee
By the Sea
South Sound Road
Grand Cayman

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 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 judgement may be entered against you forthwith without further notice.

ISSUED this 4th day of August, 1995.

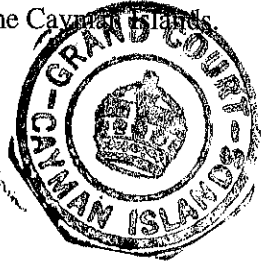
NOTE- This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

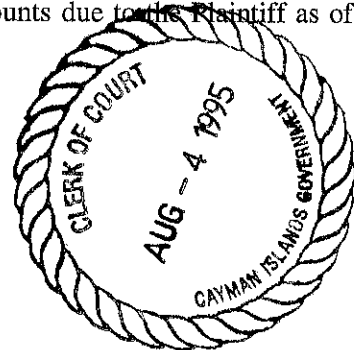
STATEMENT OF CLAIM

1. The Plaintiff is a Cayman Islands company carrying on banking business in the Cayman Islands.
2. The Defendant is an individual who resides at South Sound, Grand Cayman.
3. By a loan agreement dated 11th November, 1992 the Plaintiff agreed to lend the sum of US\$250,000.00 to the Defendant. This was a demand loan amortized over eight years.
4. By letter dated 25th October, 1994 the Defendant requested the Plaintiff to lend him a further US\$100,000.00 for various purposes. The Plaintiff granted a further loan of US\$100,000.00 to the Defendant in January 1995.



5. The Defendant defaulted in payment of his loans to the Plaintiff and the Plaintiff demanded repayment of the full amounts due by the Defendant to it. The Defendant has failed to make repayment of the full amount due to the Plaintiff. The amounts due to the Plaintiff as of 2nd August 1995 are as follows:-

| | <u>US\$</u> |
|---------------------|-------------------|
| (a) Loan Number 1 - | 201,904.01 |
| (b) Loan Number 2 - | 40,301.91 |
| TOTAL | <u>242,205.92</u> |



6. Interest continues to accrue on both loans referred to in paragraph 5 above at the rate of 11½% per annum.

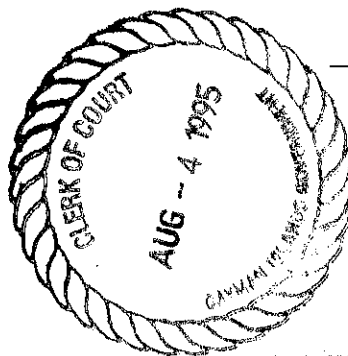
AND THE PLAINTIFF claims:-

1. Payment of US\$242,205.92.
2. Contractual interest at 11½% per annum on the sum of US\$242,205.92 from 1st August, 1995 until payment.

3. Costs.

NOTE: If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of US\$242,205.92 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorneys-at-Law.

Dated this 4th day of August, 1995.



W.S. Walker & Company.
W. S. WALKER & COMPANY
Attorneys-at-Law for the Plaintiff



This Writ was issued by W.S. Walker & Company, of P.O. Box 265, Caledonian House, George Town, Grand Cayman. Attorneys-at-Law for the Plaintiff wherein whose address for service is that of its said Attorneys-at-Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1995

BETWEEN: FIRST CAYMAN BANK LTD.

PLAINTIFF

AND: ALLAN GEE

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.

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 where appropriate*)

_____ yes

Service of the Writ is acknowledged accordingly.

(Signed) _____

Attorney for _____

[Defendant in person]

Address for service: W. S. Walker & Company
Caledonian House,
P.O. Box 265GT
Grand Cayman
Cayman Islands

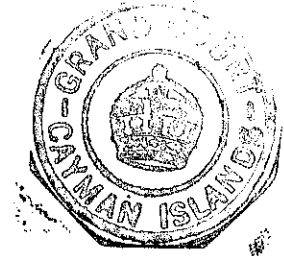
Notes on address for Service

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 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 if suing in person) of his name, address and reference, if any below.

W. S. Walker & Company
P.O. Box 265G,
George Town,
Grand Cayman



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

**DIRECTION 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 Acknowledgment of Service and return it to the Court's 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 item.
8. A Defendant acting in person may obtain help in completing the form at the Court's office.