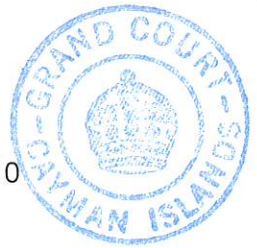


IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO: 247 OF 2010



BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK PLAINTIFF
(CAYMAN) LIMITED
AND: KIRK EBANKS DEFENDANT



WRIT OF SUMMONS

TO: Kirk Ebanks
948 Turtle Farm Rd
PO Box 90
Grand Cayman KY1-1101
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, PO Box 495GT, 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 29 day of June 2010

NOTE – This Writ may not be served later than 4 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 bank carrying on business at FirstCaribbean House, 25 Main Street, P.O. Box 1321GT, George Town, Grand Cayman, Cayman Islands.
2. The Defendant is and was at all material times a customer of the Plaintiff.
3. In or around February 2008 the Plaintiff loaned the Defendant the sum of CI\$22,600.00 repayable over 72 months at CI\$424.50 per month with interest accruing at the rate of 10.50% per annum fixed.
4. The Loan was granted to assist the Defendant with the purchase of 2008 Kia Sportage vehicle.
5. The Defendant failed to service the Loan in accordance with the terms on which it was granted.
6. By a letter dated 21 April 2010, the Plaintiff's attorneys made a written demand for repayment of the Loan but the Defendant has failed to repay the whole or any part of the amount outstanding.
7. As at 8 June 2010, the Defendant was indebted to the Plaintiff in respect of the Loan in the amount of CI\$19,418.26 with interest accruing at the rate of 10.50 % per annum or CI\$5.59 per diem.

AND THE PLAINTIFF CLAIMS:

- (a) Payment of the principal sum of CI\$19,418.26 outstanding on the Loan;
- (b) Interest pursuant to the Loan from 11 February 2008 accruing at the rate of 10.50% per annum or CI\$5.59 per diem until payment or judgment, or alternatively judicial interest;
- (c) Ad valorem fees of CI\$194.18 and CI\$200 filing fee;

- (d) Costs;
- (e) Further or other relief.

DATED this 29 day of June 2010

Walkers

WALKERS

Attorneys at Law for the Plaintiff

This Writ is issued by Walkers, Attorneys at Law, Walker House, 87 Mary Street, George Town, Grand Cayman KY1-9001, for the Plaintiff whose address for service is care of its said Attorneys at Law.

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

**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 Courts Office, PO Box 495GT, 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 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.