

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 264 OF 2010

BETWEEN:

DOLPHIN SUPPLY CAYMAN LIMITED

AND

PLAINTIFF

ADSPHALTIC INTERNATIONAL LIMITED (in liquidation)

DEFENDANT



WRIT OF SUMMONS



TO: Adspphaltic International Limited (in liquidation)
P.O. Box 502
33 Marquee Place
West Bay Road
Grand Cayman
KY-1-1106

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 judgment may be entered against you forthwith without further notice.

DATED this 21st day of July 2010

ISSUED this 21 day of July, 2009.

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

1. The Plaintiff is and was at all material times a Cayman Islands ordinary company whose principal office is located at Rankin's Plaza, 25 Eclipse Drive, PO Box 10236, Grand Cayman, KY1-1002, Cayman Islands. At all material times the Plaintiff was carrying on business as a manufacturer and installer of cabinetry and lighting equipment. The Plaintiff's address for service is care of its attorneys, Goldfield Cayman, PO Box 10734, Grand Cayman, KY1-1007, Cayman Islands.
2. The Defendant is a company in liquidation but was at all material times a Cayman Islands ordinary company carrying on the business of a Building Contractor whose address for service is care of the liquidator Johnson Smith Associates Limited, PO Box 2499GT, Elizabethan Square, Grand Cayman, KY1-1104, Cayman Islands.
3. On or about the 22nd day of May 2009, the Plaintiff and the Defendant entered into an Agreement whereby the Plaintiff would manufacture and install kitchen and bathroom cabinets and countertops at a development known as Sea Breeze on West Bay Road, Grand Cayman on behalf of the Defendant and at the Defendant's request.
4. In pursuance of the said Contract, the Plaintiff provided the services and carried out the works on an ongoing basis until April/May 2010 for the Defendant, who received and accepted the same.
5. Yet the Defendant has wrongfully failed, refused or neglected to pay the Plaintiff the price of the said services, namely CI\$77,125.61, and the same is still due and owing to the Plaintiff.
6. The Plaintiff also claims interest on all overdue sums pursuant to the Judicature Law and the Judgment Debts Rates of Interest Rules with effect from the 31st of May 2010 to date and until such outstanding sums are fully paid.

THE PLAINTIFFS THEREFORE CLAIMS:

- (a) CI\$77,125.61 being the Principal sum due on the 21st of July 2010
- (b) Pre and Post Judgment Interest Pursuant on the principal sum of CI\$77,125.61 in accordance with Section 34 of the Judicature Law (2007 Revision) and the Judgment Debts (Rates of Interest) Rules as amended from time to time currently in the sum of CI\$538.82 from the 31st of May 2010 to date and until payment in full;
- (c) Costs to be Taxed if not agreed;
- (d) Such further and other relief as this Honourable Court may deem fit.

If within the time for returning the Acknowledgement of Services, the Defendant pays the total amount claimed CI\$77,125.61 plus interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or their Attorneys.

DATED this 21st day of July 2009

Goldfield Cayman
GOLDFIELD CAYMAN ATTORNEYS-AT-LAW
Attorneys-at-Law for the Plaintiff

THE WRIT OF SUMMONS and STATEMENT OF CLAIM is prepared and filed by **GOLDFIELD CAYMAN ATTORNEYS-AT-LAW**, Attorneys-at-Law for and on behalf of the Plaintiff herein, whose address for service is situated at Rankin's Plaza, 21 Eclipse Drive, P.O. Box 1431 GT, George Town, Grand Cayman, Cayman Islands.

***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 Plaintiffs (or on the Plaintiffs 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 Plaintiffs 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2010

BETWEEN:

DOLPHIN SUPPLY CAYMAN LIMITED

PLAINTIFF

AND:

HADSPHALTIC INTERNATIONAL LIMITED (in liquidation)

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 she 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 NO

Service of the Writ is acknowledged accordingly

(Signed).....Attorney for the Defendant

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 or principal office.

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

Goldfield Cayman Attorneys-at-Law
Rankin's Plaza, 21 Eclipse Drive
P.O. Box 10734
Grand Cayman, KY1-1007
Cayman Islands

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

[Empty box for Defendant's Attorney indorsement]