

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 267 OF 2010

BETWEEN:

HSBC BANK (CAYMAN) LIMITED

PLAINTIFF

AND:

FAME VARONA

1st DEFENDANT

and

CARLOS SANDOVAL

2nd DEFENDANT

WRIT OF SUMMONS

TO: Fame Varona and Carlos Sandoval both of 64 Marina Drive, P.O. Box 2153, Grand Cayman KY1-1105, 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 the 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 KY1-1106, 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 22 day of July 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 accompanying form.

INDORSEMENT

The Plaintiff claims from the Defendant in Debt, the sum of US\$8,858.92 pursuant to a Credit Card agreement.

AND THE PLAINTIFF claims:

1. the sum of US\$8,858.92;
2. from the date hereof to the date of judgment and thereafter to the date of payment of the said sum due on the Credit Card facility interest at the agreed rate of 13% per annum (ie. US\$3.16 per day);

AND

The Plaintiff claims from the Defendant in Debt, the sum of US\$28,502.18 pursuant to a Loan Facility dated 8 July 2009.

AND THE PLAINTIFF claims:


3. the sum of US\$28,072.21;
4. Interest on the sum of US\$28,072.21 pursuant to the Loan facility from 19 April 2010 to the date hereof at a rate of 6% per annum in the amount of US\$429.97;
5. from the date hereof to the date of judgment and thereafter to the date of payment of the said sum due on the Loan facility at the agreed rate per annum (ie. US\$4.68 per day);

Or Alternatively,

interest on such sums as is awarded to the Plaintiff at such other rate and for such other period as this Honourable Court may find just pursuant to the Judicature Law (2007 Revision) and the Judgment Debts (Rates of Interest) Rules 2008 or pursuant to the inherent jurisdiction of the Court.

6. Costs.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$38,500.00 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.



[signature of Plaintiff or his Attorney]

THIS WRIT was issued by Messrs Conyers Dill & Pearman, Attorneys-at-Law for the Plaintiffs, whose address for service is Cricket Square, Hutchins Drive, PO Box 2681, Grand Cayman, KY1-1111, Cayman Islands.

BETWEEN:

HSBC BANK (CAYMAN) LIMITED

PLAINTIFF

AND:

FAME VARONA

1st DEFENDANT

and

CARLOS SANDOVAL

2nd 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 Delay may result in judgment being entered
directions and notes for guidance carefully against a Defendant whereby he may have to
before completing this form. If any pay the costs of applying to set it aside.
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 (<i>tick appropriate box</i>) <input type="checkbox"/> Yes <input type="checkbox"/> 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 (<i>tick box</i>) <input type="checkbox"/> Yes <input type="checkbox"/> No

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.

Conyers Dill & Pearman
Attorneys at Law
Boundary Hall
2nd Floor, Cricket Square
George Town
Grand Cayman KY1 1111

Ref: JE704455

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

Acknowledgement of service of writ of summons (0.12, r.3)

**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 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.