

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. CIV 401 OF 2010

BETWEEN: EDISON JACKSON PLAINTIFF

AND: (1) WINSTON THOMAS Sr.
(2) WINSTON THOMAS Jr. DEFENDANTS

WRIT OF SUMMONS

TO: (1) WINSTON THOMAS Sr. and (2) WINSTON THOMAS Jr.
Po Box 685, Bodden Town
Grand Cayman KY1-1603
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 496, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

ISSUED this day of , 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 and given with the accompanying form

STATEMENT OF CLAIM


1. The Plaintiff is and was at all material times the intended Purchaser of an apartment at Balagio Estate, Unit#233 and the Defendants are the Vendors pursuant to a Purchase and Sales Agreement dated 7th April, 2008 ("the Agreement")
2. Pursuant to the terms of the Agreement, the Plaintiff paid a deposit in the amount of CI\$21,500.00, ("the Deposit").
3. Completion of the property was scheduled for 30th February, 2009. In the event that certain conditions of the Agreement were not met by the Defendants, the Plaintiff was entitled to have the Deposit refunded.
4. The property was not completed on time and the Defendants have failed to specifically perform under the Agreement.
5. On May 4th, 2010 the Defendants agreed to refund the Deposit to the Plaintiff under the terms of a Termination Document.
6. The Defendants have failed to pay the Plaintiff the Deposit.

AND THE PLAINTIFF CLAIMS

1. The sum of CI\$21,500.00;
2. Interest on the sum of CI\$21,500.00 from the 4th May, 2010 to date of payment.
3. Costs to be taxed or agreed.

If within the time for returning the Acknowledgment of Service the Defendant pays to the Plaintiff's Attorneys-at-Law the total amount claimed together with interest and costs all further proceedings will be stayed.

Dated this 3rd day of 000, 2010


HERNANDEZ & CO.
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Hernandez & Co. Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of her Attorneys-at-Law, Governor's Square, West Bay Road, PO Box 10455, Grand Cayman KY1-1004, 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 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 installments or otherwise.

See over for notes for guidance

BETWEEN: EDISON JACKSON PLAINTIFF

AND: (1) WINSTON THOMAS Sr. (2) WINSTON THOMAS Jr. DEFENDANTS

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 the Defendants whereby they 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:

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

HERNANDEZ & CO.
Attorneys-at-Law
Governor's Square
West Bay Road
PO Box 10455
Grand Cayman KY1-1004
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]