

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 0025 OF 2010

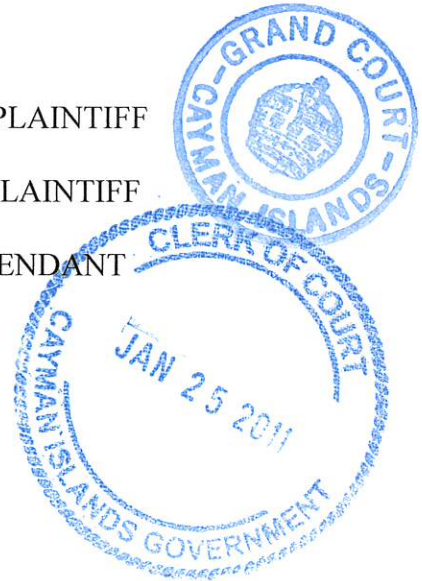
BETWEEN: POWMC INVESTMENTS CO.LTD T/A
AFFORDABLE CONSTRUCTION 1ST PLAINTIFF

AND : PATRICK MCFIELD 2ND PLAINTIFF

AND: CLINT MYRIE DEFENDANT

WRIT OF SUMMONS

To: Clint Myrie
Ellis Conolly Drive
Bodden Town
Grand Cayman



THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiffs in respect of the claim set out on the next page.

Within 14 days after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O.Box 495, G.T. Grand Cayman the accompanying Acknowledgment of Service form stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you fail to 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 at George Town this 31 day of October, 2010.

NOTE: This Writ may not be served later than four(4) calendar months (or,if leave is required to effect service out of the jurisdiction, six (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 1ST Plaintiff is an ordinary resident company incorporated in the Cayman Islands and licensed to carry on business, inter alia, of construction work.
2. The 2nd Plaintiff is a Director of the 1ST Plaintiff.
3. The Defendant is and was at all material times a customer of the Plaintiffs.
4. In or around May 7, 2010, the Plaintiffs and the Defendant entered into a contract ('the contract') to build the Defendant's dwelling house at Ellis Conolly Drive ('the works') in Bodden Town at a price of CI\$ 76,800.00 ('the contract price') inclusive of labour and materials
5. Upon receipt from the Defendant of the first down payment of CI\$26,880.00 the Plaintiffs commenced the said work and on June 21, having considerably progressed same, received a further payment of CI\$26,880.00.
6. That within 6-7 days of completion of the entire works, the Defendant abruptly terminated the services of the Plaintiffs by a letter of the said date, and refused to pay the balance of the contract price to the Plaintiffs of CI\$23,040.00.
7. That the Plaintiffs have made several attempts to collect this balance from the Defendant without any success. The Plaintiffs also retained an attorney to write to the Defendant about paying the monies to the Plaintiffs but the Defendant has refused, failed or neglected to pay the said balance of the contract price to the Plaintiff of CI\$ 23,040.00.
8. Furthermore the Defendant has refused to allow the Plaintiffs to recover several of the Plaintiffs' construction tools and equipment, left at the premises when he terminated the Plaintiffs' services.

WHEREFORE THE PLAINTIFFS CLAIMS FROM THE DEFENDANT:-

1. The said sum of CI\$23,040.00
2. Pre-judgment interest according to the Judicature Law and the Rtes of Judgment Rules
3. Post-Judgment interest in accordance with the Judicature Law and Rates of Interest Rules.
4. The return to the Plaintiffs of their construction tools and equipments or the purchase price of the said items.
5. Their costs of this action
6. Further and other relief.

Dated this 31 day of October, 2010



Powmc Investments Co. Ltd T/A Affordable Construction
& Patrick McField

To: The Clerk of Courts

And To The Defendant: Clint Myrie, Ellis Conolly Drive, Bodden Town, Grand Cayman

INDORSEMENT

If within the time for returning the Acknowledgment of Service, the Defendant pay the total amount claimed of CI\$23,040.00 plus interest, costs, disbursements and legal expenses) further proceedings will be stayed. The money must be paid to the Plaintiffs or his/their attorney.

STATEMENT REGARDING INTEREST

1. The rate of interest claimed throughout the relevant period is 5% from October 2010 to January, 2011 and accruing daily thereafter. The date from which interest is claimed is October 1, 2010.
2. The total amount of interest claimed as at January 25, , 2011 is CI\$374.40
3. The amount of interest accruing each day is CI\$3.20

Dated this 31st day of October, 2010.



Powmc Investments Co Ltd T/A Affordable Construction
& Patrick McField

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 495, George Town, Grand Cayman.

2. A defendant who states in his Acknowledgement of Service that he intends to contest the proceedings must also serve a defence on the attorney for the plaintiff (or on the plaintiff acting in person).

If a Statement of Claim is endorsed on the Writ (ie. 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 a Statement of Claim is not endorsed 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 affidavit of his means. The affidavit should state any offer which the defendant desires to make for the payment of the money by installments 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 a 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.

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 acting in person) of his name, address and reference, if any, in the space below:

Powmc Investments C. Ltd T/A
Affordable Construction &
Patrick McField
Grand Cayman Cayman Islands
3

Indorsement by Defendant's attorney (or Defendant if acting in person) of his name, address and reference,if any in the space below:
