

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 76 OF 2011

BETWEEN CLAIRES FERNANDES & AMARYILIS MOO PLAINTIFFS

AND GARTH POWELL

DEFENDANT

MAR 14 2011

ORIGINATING SUMMONS


**TO: GARTH POWELL
C/o CUC
North Sound Road, George Town, Grand Cayman**

LET THE DEFENDANT, within 14 days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiffs, Claire Fernandez and Amaryllis Moo, of Kingston, Jamaica, West Indies, the Plaintiffs claim to be entitled to the forfeiture of property being Registration Section George Town Central Block 14C Parcel 304 pursuant to the Registered Land Law and for outstanding rent in the current sum of CI\$25,650.00 and continuing at the rate of CI\$2,850.00 per month, outstanding late fees of CI\$450.00. and continuing, interest on outstanding rent currently at CI\$292.39 and continuing and the Plaintiff further seeks a further Order that the Defendant do pay the costs occasioned in this Cause.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 9th day of March 2011



Murray & Westerborg
Plaintiff's Attorneys-at-Law

NOTE – This Summons may not be served later than 4 calendar months (or if there is leave to effect service out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Murray & Westerborg, Attorneys-at-Law, for and on behalf of the Plaintiff whose address for service is that of her said Attorneys-at-Law, The Second Floor (East Wing) FIS Building, 196 Shedden Road, George Town, Grand Cayman.

Acknowledgment of Service of Plaintiff/Writ/Originating Summons

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING 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 complete and serve a Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Originating Summons, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the [Particulars of] Defence is not filed and served within 14 days of the time for acknowledging receipt of the Originating Summons.
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 seek time to pay the claim or 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 or seeking time to pay, 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

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 Plaintiff 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 Plaintiff)".
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 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.

Please complete overleaf.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2011

BETWEEN CLAIRE FERNANDES & AMARYILIS MOO PLAINTIFFS

AND GARTH POWELL DEFENDANT

ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement 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 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 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:

Murray & Westerborg
FIS Building (2nd Floor, East Wing)
196 Shedden Road
George Town
Grand Cayman

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]