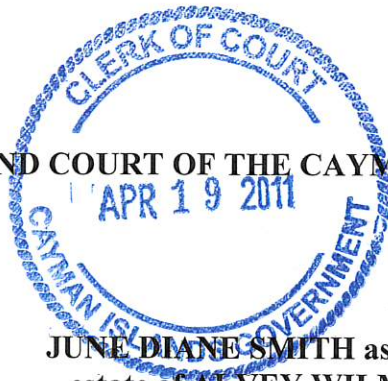


IN THE GRAND COURT OF THE CAYMAN ISLANDS



G0149
CAUSE NO. OF 2011

BETWEEN:

JUNE DIANE SMITH as administrator of the
estate of **ALVEY WILMINGTON SMITH**
(DECEASED)

Plaintiff

AND

LEONNA SAINTVIL AND ORRETT
CONNOR as administrators of the estate of
ELREY ELROY SMITH (DECEASED)



Defendant

WRIT OF SUMMONS

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 495 GT, 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.

Issued this 19th day of April 2011

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of 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 the sole administratrix of the Estate of Alvey Wilmington Smith (deceased) and is a resident of the United States of America.
2. The Defendants are co-administrators of the Estate of Elrey Elroy Smith (Deceased) are both residents of the Cayman Islands.
3. The Plaintiff was previously a party to litigation against Elrey Elroy Smith as administrator of the estate of Samuel Smith, Jr. (deceased) in Cause No. 5 of 1996, Civil Appeal No. 3 of 2004 (the "Property Litigation").
4. Judgment was entered in the Property Litigation in favour of the Plaintiff and costs were ordered in favour of the Plaintiff. The Clerk of the Court then issued the following cost certificates against Elrey Elroy Smith as administrator of the estate of Samuel Smith, Jr. (deceased):
 - 4.1. Interim Costs Certificate dated 20 April 2005 for payment of CI\$29,952.50; and
 - 4.2. Costs Certificate dated 18 May 2005 for payment of an additional CI\$32,883.00.Together referred to herein as the "Costs Certificates".
5. Interest is payable on the amount owed under the Costs Certificates pursuant to the Judicature Law (as amended) and The Judgment Debts (Rates of Interest) Rules 1995.
6. As the administrator of the Estate of Samuel Smith, Jr. (deceased) Elrey Elroy Smith (deceased) was personally liable for payment of the amount owed under the Costs Certificates.
7. As at the date that Elrey Elroy Smith (deceased) died, the amount owed pursuant to the Costs Certificates had not been paid and is therefore a debt payable by the Defendants as the administrators of his estate.
8. The Plaintiff made demand for payment of the Debt in numerous letters between 2005 and 2011 that were sent from the Plaintiff's attorneys to the attorneys acting for each of the Defendants.
9. The Defendants admitted liability for payment of the amount owed to the Plaintiff under the Costs Certificates.

10. On or about the 13th of April 2011 the Defendants owed the Plaintiff \$82,747.25 (the "Debt") under the Costs Certificates. The Debt is comprised of principal of \$62,835.50 and interest of \$19,911.75.
11. The Plaintiff made demand for payment of the Debt by letter dated 13 April 2011 sent from the Plaintiff's attorneys to the attorneys acting for each of the Defendants.
12. The Defendants have failed or refused to pay the Debt.
13. In the circumstances the Plaintiff's claim is for principal of \$62,835.50 and interest of \$19,911.75 up until the date of demand, being 13 April 2011; interest at the applicable rate under the Judgment Debts (Rates of Interest) Rules 1995 continuing until all sums outstanding under the Costs Certificates are paid in full; and costs.

AND THE PLAINTIFF CLAIMS:

- A. the Debt of \$62,835.50;
- B. interest pursuant to the Judicature Law (as Revised) and the Judgment Debts (Rates of Interest) Rules 1995, as follows:
 - a. \$19,911.75 that accrued between 1 June 2005 and 13 April 2011;
 - b. interest on the principal debt from 13 April 2011 continuing until the date of judgment;
 - c. post-judgment interest on the principal debt from the date of judgment continuing until full payment has been made;
- C. such other relief as this Honourable Court sees fit;
- D. costs;

Dated this 19th day of April 2011



BROADHURST LLC.

This Writ of Summons and Statement of Claim are issued by Broadhurst LLC., Attorneys-at-Law for the Plaintiff, whose address for service is P.O. Box 2503, Cayman Islands, KY1-1104, 40 Linwood Street, George Town, Grand Cayman, Cayman Islands, British West Indies.

INDORSEMENTS

LIQUIDATED DEBT OR DEMAND

The amount claimed in respect of the liquidated debt or demand is \$82,747.25 and is made up as follows:

Principal:	\$62,835.50
Interest:	\$19,911.75

The amount claimed in respect of costs is \$5,049.35 and is made up as follows:

Legal Fees:	\$4,321.00
Filing Fee for Writ of Summons:	\$200.00
<i>Ad Valorem</i> Fee:	\$528.35

If, within the time allowed to return the acknowledgement of service, the Defendant pays the Plaintiff or its attorneys-at-law \$87,796.60 plus interest at \$4.10 per day from 13 April 2011 to the date of payment, being the total amount claimed in principal, interest and costs, further proceedings will be stayed.

INTEREST

Simple interest is claimed at the rates established by the Judgment Debts (Rates of Interest) Rules 1995, which, as at the date of issuance of this Writ of Summons and Statement of Claim, is 2.38% per annum.

Interest began to accrue under the Promissory Note on 1 June 2005. As at the date of demand, being 13 April 2011, the total interest claimed was \$19,911.75. Interest is continuing to accrue at the rate of \$4.10 per day.

CAPACITY

The Plaintiff is suing in her capacity as sole administratrix of the Estate of Alvey Wilmington Smith (deceased). The Defendants are sued in their capacity as the administrators of the Estate of Elrey Elroy Smith (deceased).

CURRENCY

Cayman Islands Dollars

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2011

BETWEEN:

JUNE DIANE SMITH as administrator of the
estate of ALVEY WILMINGTON SMITH
(DECEASED)

Plaintiff

-AND-

LEONNA SAINTVIL AND ORRETT
CONNOR as administrators of the estate of
ELREY ELROY SMITH (DECEASED)

Defendant

ACKNOWLEDGEMENT 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 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 [] No []
-

Service of the Writ is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in Person]

Address for service:

Please see 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 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.

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

BROADHURST LLC BARRISTERS
ATTORNEYS-AT-LAW
40 LINWOOD STREET
PO BOX 2503
GRAND CAYMAN KY1-1104
CAYMAN ISLANDS, BWI

Endorsement 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 endorsement]