

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 158 OF 2011

BETWEEN

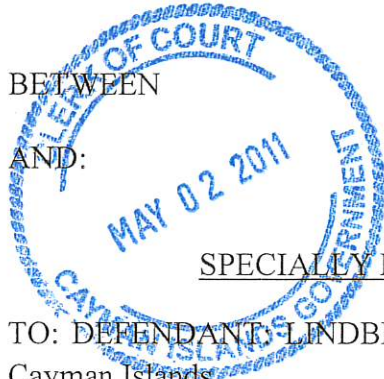
PETER YOUNG

PLAINTIFF

AND:

LINDBERG EDEN

DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT LINDBERG EDEN, P.O. Box 64, Savannah, KY 11501, Grand Cayman, Cayman Islands

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 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 495G, 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 2nd day of May 2011

NOTE - This Writ may not be served later than 4 calendar 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) Crosby Eden Snr. D'ced died intestate on 11 September 1989. His Estate is subject to Probate by way of Letters of Administration which Estate includes property known as Registration Section Spotts Block 25C Parcel 29 (the "Property").
- 2) Lindberg Eden is the brother of Crosby Eden Snr. D'ced. and by virtue of the requisite law – Succession Law (2006 Revision) (the "Law") – it is understood that he is entitled to an interest in the Estate of Crosby Eden Snr. D'ced and therefore is a beneficiary under the Estate of his deceased brother.
- 3) Judy Young is the daughter of Crosby Eden Snr. D'ced and is also entitled by virtue of the requisite Law to an interest in his Estate. Judy Young is married to Peter Young.
- 4) After the passing of his brother, and whilst the Estate was being probated, Lindberg Eden verbally informed Peter Young that he was a beneficiary of the Estate of Crosby Eden Snr. D'ced. and would receive 10 acres of land under the Estate which in order for him to register a legal title would need to be subdivided and registered at the Land Registry.
- 5) The Defendant offered Peter Young his entire interest in the 10 acres of Land.
- 6) By an oral agreement (the "Agreement") made on 6 May 2005 between Peter Young and the Defendant, Peter Young agreed to accept the offer to purchase the Defendant's interest in the Property.
- 7) In consideration of the Agreement Peter Young relied on the representations of Lindberg Eden and paid to him the sum of C\$140,000.00 by way of a cheque to the order of Lindberg Eden and signed by Peter Young.
- 8) As herein before mentioned, the Plaintiff was told by the Defendant that he would receive an interest in the Property and that the Plaintiff on purchasing the interest in the Property was to subdivide that part of the land that he understood was to be transferred to the Defendant which subdivision was carried out by Roland Bodden & Co. Ltd. Payments to Roland Bodden & Co Ltd of \$5,000.00, \$5,000.00, \$10,000.00 and \$5,000.00 were made on 1 January 2006, 20 March 2006, 1 September 2006 and 29 November 2006 respectively.
- 9) After the subdivision was completed by Peter Young through the company of Roland Bodden & Co Ltd, the Plaintiff understood that that part of the Property that amounted to the 10 acres of land was to be known as Registration Section Spotts 25C Block 306.
- 10) As at the time of the issue of this Writ Action the Defendant has not yet legally received his interest in the Property and it appears will not so receive such an interest as agreed with and from the Defendant.

- 11) Alternatively, in breach of the Agreement, the Defendant has not to date transferred his interest, if any, in the Property as agreed to the Plaintiff.
- 12) In a letter dated 20 December 2010, a request was made on behalf of the Plaintiff for the reimbursement of the entire sum of CI\$140,000.00 that was deposited into the bank account of the Defendant.
- 13) Furthermore, in the letter dated 20 December 2010, the Defendant was given 14 days from the date of that letter to make remittance of that sum to the Plaintiff.
- 14) The Defendant has failed and/or refuses to reimburse the Plaintiff. The Plaintiff will also look to recover the fee of CI\$25,000.00 for the sub-division of the parcel of land that was paid to Roland Bodden & Co Ltd.

AND the Plaintiff claims:

- 1) Damages of CI\$140,000.00.
- 2) Strata Fees paid to Roland Bodden of CI\$25,000.00.
- 3) Further, pursuant to The Judicature Law (1995 Revision), the plaintiff is entitled to and claims interest on (12) above or such sums as are found to be due at the statutory rate and for such period as the Court shall think fit
- 4) Costs



CLYDE H. ALLEN, CHAMBERS

THIS WRIT was issued by Clyde H. Allen whose address for service is Clyde H. Allen Chambers PO Box 31076, 2nd Floor, Suite #9, 19 Fort Street, KY1-1205, Grand Cayman, Cayman Islands, BWI.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. OF 2011

BETWEEN PETER YOUNG PLAINTIFF

AND: LINDBERG EDEN 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 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 a 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

Address for service: (please see overleaf)

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.

Clyde H. Allen, Chambers
Attorneys-At-Law
PO Box 31076, 2nd Floor
Jack & Jill Building, KY1-1205
Grand Cayman, 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]