

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 134 OF 1997

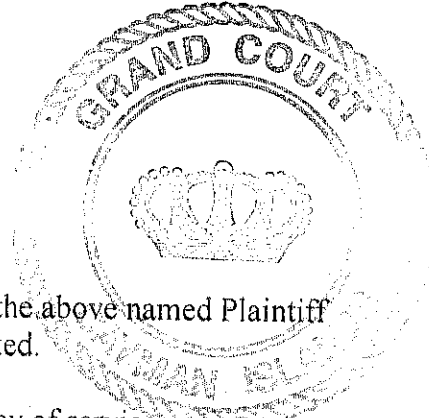
BETWEEN: Eric Dixon Plaintiff

AND: Albert McLean Defendant

FEB. 27 1997

**WRIT OF SUMMONS**

To Albert McLean  
c/o Caribbean Utilities Company Ltd  
George Town, Grand Cayman



**THIS WRIT OF SUMMONS** has been issued against you by the above named Plaintiff in respect of the claim set out on the Statement of Claim annexed.

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 Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you fail to return the Acknowledgement 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 25th day of February, 1997

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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a resident of East End and is employed by Caribbean Utilities Company Ltd, Grand Cayman.

2. The Defendant resides in East End, Grand Cayman and is and was at all material times the registered owner of a Ford Mustang LX 1991 model, serial number 1FACP40EXMF128198 bearing registration number 42 313.

3. By a Sale/Purchase Agreement dated May 10, 1996 the Defendant agreed to sell and the Plaintiff agreed to purchase the said motor car for the price of CI\$8,000.00 (the contract price')

4. Pursuant to the said Agreement, the Plaintiff duly paid to the Defendant the contract price in the sum of CI\$8,000.00 on or about the 22nd day of May, 1996 partly by cheque and partly in cash.

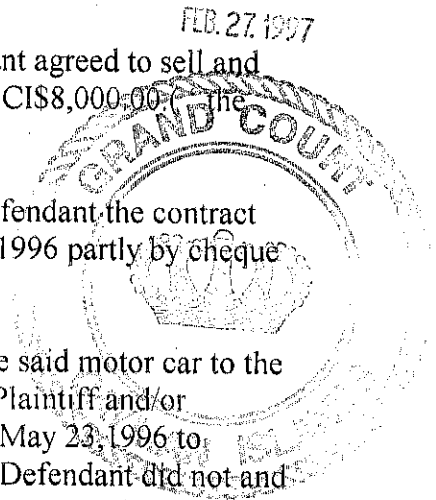
5. Upon payment of the contract price, the Defendant delivered the said motor car to the Plaintiff and agreed to hand over the car's title documents to the Plaintiff and/or accompany him to the Licensing Department the following day ie May 23, 1996 to transfer title in the said motor car to him. In breach of contract, the Defendant did not and has not handed over the title documents to date and the said motor car remains registered in the name of the Defendant.

6. Despite demand having been made by the Plaintiff and his attorneys, the Defendant has failed, refused and/or neglected to deliver the car's title documents or transfer title in the said motor car to the Plaintiff and/or to return the Plaintiff's monies to him.

WHEREFORE THE PLAINTIFF CLAIMS FROM THE DEFENDANT:

1. An order that the Defendant do forthwith deliver all title documents to the said motor car to the Plaintiff and/or transfer title in the said motor car to the Plaintiff.

2. All necessary further and/or other orders for the specific performance, in favour of the Plaintiff of the Agreement of May 10, 1996 between the Plaintiff and the Defendant for the sale, purchase and transfer of title in the said motor car to the Plaintiff for the contract price of CI\$8,000.00 paid to the Defendant on or about May 22, 1996.



111. FURTHER and in the alternative, an order that the Defendant return to the Plaintiff his monies in the sum of C1\$8,000.00

1V. FURTHER and in the alternative interest.

V. An order that the Defendant pay the Plaintiff's costs in this action.

VI. FURTHER and/or other relief.

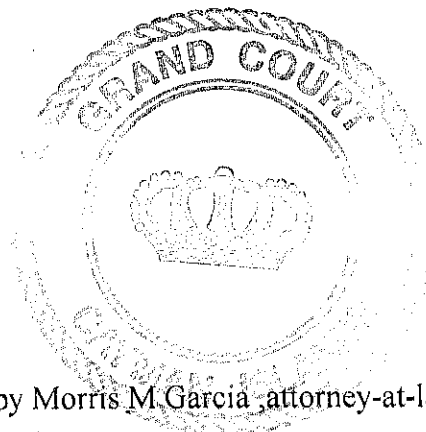
If within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of C1\$ 8,000.00, plus costs to be agreed or assessed plus C1\$100.00 for the cost of filing the Writ further proceedings will be stayed. The money must be paid to the Plaintiff or his attorney-at-law.

Dated this 25th day of February, 1997..



Morris M Garcia  
attorney-at-law for the Plaintiff

FEB. 27. 1997



This Writ was issued by Morris M. Garcia, attorney-at-law for the Plaintiff herein.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 134 OF 1997

BETWEEN: Eric Dixon Plaintiff  
AND: Albert McLean 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 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.

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

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box )<sup>†</sup>

yes                       no

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3. If the claim against the Defendant is for a debt or liquidated sum, 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

Please complete overleaf.

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 box below.

Morris M Garcia  
attorney-at-law  
P.O.Box 1185G  
Grand Cayman

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

Filed by Morris M Garcia,3rd Floor, Thompson Bldg, George Town, Grand Cayman,  
attorney-at-law for the Plaintiff.

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.

Afer completion it must be delivered or sent by post to the Law Courts,P.O.ox 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 Plaintiffs if acting in person).

If a Statement of Claim is indorsed on the Writ ( ie the words ' Statement of Claim' appear on the top of page 2), the Defence must be served within 14days after the time for acknowledgment of 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 Plaintiffs may enter judgment against him without further notice.

3. A Stay of Execution against a 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 ( ie 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 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 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 acknowledgment of 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 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 " trading as ( ..... ) " 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