

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: GO 325 OF 2011

**BETWEEN: KENNETH LLOYD CLARKE AND
NIGEL VIVIAN CLARKE**

PLAINTIFFS

AND: TRACEY BROWN

DEFENDANT

AMENDED ESPECIALLY ENDORSED WRIT OF SUMMONS



To: Tracey Brown
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 next page.

Within fourteen days (14) 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 495GT, 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 return the Acknowledgement 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 18th day of August, 2011~~

Re-Issued this 22nd day of August, 2011

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the 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.

SPECIAL ENDORSEMENT

The Plaintiffs herein ask for the following orders, declaration and/or injunctive relief:-

1. That the Last Will and Testament of TATLIN CLARKE, deceased is null and void. (Further and better particulars to be provided on receipt of information that is forthcoming).
2. That the Defendant herein falsely represented the facts surrounding the deceased's financial affairs thereby seeking to gain a pecuniary advantage and causing loss to the Plaintiff.
- 3.1. **THAT the Defendant and/or her servants or agents or anyone acting on her behalf be restrained from having any dealings with property known as Registration Section Lower Valley, Block 38B, Parcel 423 and Registration Section Breakers, Block 48C, Parcel 148, Lower Valley, Block 38B, Parcel 226, Midland Acres, Block 48C, Parcel 150, whether by way of transferring it or otherwise interfering with such property.**
- 4.2. **That the Registrar of Lands and Survey Department registers the relevant injunction against the above properties until further order of this Honourable Court.**
- 5.3. **That the Defendant be restrained from accessing or have any dealings including withdrawing, transferring or otherwise interfering with monies held in bank accounts in the Cayman Islands whether held in her sole name or jointly with another.**
- 4 ~~That funds be released to the Plaintiffs to cover funeral expenses of Mrs. Tatlin Clarke.~~
5. ~~A subpoena for bank records to be produced.~~
6. That the Defendant be restrained from dealing with the Last Will and Testament of Tatlin Clarke, deceased pending this Honourable Court adjudicating on the declaration prayed for in paragraph 1 above.

6. ~~A restraining order against the Defendant.~~

7. 7. That the Defendant be restrained from dealing with any financial institution in which Mrs. Tatlin Clarke has an interest of a financial nature ~~has perpetuated a fraud with the following institutions:-~~

~~The Manager
First Caribbean International Bank (Cayman) Limited
25 Main Street
George Town, Grand Cayman~~

~~The Manager
Butterfield Bank
George Town
Grand Cayman~~

~~The Manager
Scotiabank & Trust (Cayman) Ltd
Cardinal Avenue
George Town, Grand Cayman~~

~~The Manager
Royal Bank of Canada Trust Company (Cayman Ltd.)
24 Shedden Road
George Town, Grand Cayman~~

~~The Manager
Fidelity Bank (Cayman) Limited
Cayman Financial Centre
Dr. Roy's Drive
George Town, Grand Cayman~~

The Manager
Cayman National Bank Ltd
200 Elgin Avenue
George Town, Grand Cayman

~~— Chamber of Commerce Pension Plan
— Butterfield Fulcrum Group (Cayman) Limited
— George Town, Grand Cayman~~

~~8. That the Defendant be restrained from leaving the jurisdiction of the Cayman Islands.~~

8.9. Costs against the Defendant.

9.10. Interest pursuant to the Judicature Law.

10.11. Any other order deems just and equitable.

AND THE PLAINTIFF CLAIMS:

- Damages
- Pre and Post Judgment Interest
- Costs
- Any other relief

Dated this 18th day of August, 2011

Re-dated this day of August, 2011

Facey-Clarke & Associates

Facey-Clarke & Associates
Attorneys-at-Law for the Plaintiffs

This Especially Endorsed Writ was issued by Facey-Clarke & Associates, Attorneys-at-law for the Plaintiffs herein whose address for service is that of the said Attorneys-at-Law, Ground Floor, Unit 119, Elizabethan Square, Grand Cayman

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 495GT, 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 Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. 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 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 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 an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments 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 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.

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.

Facey-Clarke & Associates
P.O. Box 2545, KY1-1104
Unit 119, Ground Floor, Elizabethan Square
George Town, Grand Cayman
Cayman Islands, B.W.I.
Tel: (345) 946-8111
Fax: (345) 946-8141
email: mclarke@candw.ky

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