

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

FIRSTCARIBBEAN INTERNATIONAL BANK (BARBADOS) LIMITED
PLAINTIFF



AND:

OREL PRENDERGAST



DEFENDANT

WRIT OF SUMMONS

TO: Orel Prendergast, P.O. Box 31016, Grand Cayman KY1-1205

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the following pages.

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 Court Office, PO Box 495, George Town, Grand Cayman KY1-1106, 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 judgement may be entered against you forthwith without further notice.

ISSUED this 6th day of September 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a Bank carrying on business at its branch at PO Box 301, Broad Street, Bridgetown, Barbados and elsewhere and the Defendant is and was at all material times a customer of the Plaintiff.
2. The Defendant is currently indebted to the Plaintiff in respect of his credit card # 4999 8100 0095 0011 in the principal sum of US\$49,386.84 and is also liable in respect of interest on the principal sum in the amount of US\$487.00 and continuing from the date hereof at the rate of US\$24.35 per diem until payment.
3. Pursuant to clause 12 of the Cardholder Agreement in default of payment interest is payable on each purchase and other charges from the posting date of the transaction until payment is received in full. The rate of interest is 18% per annum, a daily sum of US\$24.35. Interest is payable from 17th August 2011.
4. The Plaintiff has made a written demand for repayment by letter from its attorneys dated 18th August 2011.
5. The Defendant has failed to repay the said sum or any part of it.

AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT:

1. Payment of the said principal sum of US\$49,386.84.
2. Interest on the above principal sum in the amount of US\$487.00 and continuing at a daily rate of US\$24.35, being 18% per annum, to the date of issue of these proceedings and continuing thereafter until payment as set out in paragraph 3 above.
3. Costs.
4. Further or other relief.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of US\$49,386.84, interest of US\$487.00, fixed costs of CI\$500.00

and court fees of CI\$593.86 further proceedings will be stayed. The money must be paid to the Plaintiff or its attorney.

Dated the 6th day of September 2011

Ritch & Conolly

RITCH & CONOLLY

Attorneys at Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant, P.O. Box 31016, Grand Cayman KY1-1205

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.

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

Ritch & Conolly
P O Box 1994
Queensgate House
113 South Church Street
George Town
Grand Cayman KY1-1104

Ref: MB/FCIB/12579/Prendergast

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

FIRSTCARIBBEAN INTERNATIONAL BANK (BARBADOS) LIMITED
PLAINTIFF

AND:

OREL PRENDERGAST
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 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

Please complete overleaf

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 495, Grand Cayman KY1-1106.

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 endorsed 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.