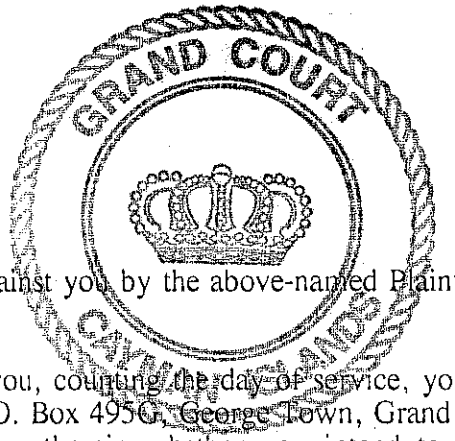
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 110a of 1997

BETWEEN:	COX LUMBER CO.	PLAINTIFF
AND:	CONSTRUCTION 1 CO. LTD	FIRST DEFENDANT
AND:	EVERTON VIDAL	SECOND DEFENDANT
AND:	MORRIS M. GARCIA	THIRD DEFENDANT

WRIT OF SUMMONS

MAR. 13.1997



TO: Construction 1 Co. Ltd
P.O. Box 31284 SMB.,
Grand Cayman
Cayman Islands

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 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 13th day of March, 1997.

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.

STATEMENT OF CLAIM

1. By a contract in writing dated 14 May 1996, in consideration of the Plaintiff selling goods on credit to the First Defendant, the Second and the Third Defendants agreed with the Plaintiff to guarantee payment of the price of all goods sold by the Plaintiff to the First Defendant.

2. The Plaintiff sold goods to the First Defendant under the following invoices:

DATE	INVOICE NO.	AMOUNT (CI$)
15.09.96	281734	261.97
15.09.96	281802	19.09
15.09.96	281877	373.07
15.09.96	282085	150.17
15.09.96	282086	55.15
15.09.96	282087	139.44
15.09.96	282177	29.66
15.09.96	282312	54.46
15.09.96	282353	150.86
15.09.96	282458	78.22
15.09.96	282459	103.19
15.09.96	282548	58.91
15.09.96	282654	29.95
15.09.96	282871	76.27
15.09.96	282878	51.44
15.09.96	282922	234.22
15.10.96	289675	23.14
15.10.96	289707	7.83
15.10.96	289845	6.98
15.10.96	325473	43.58
15.11.96	327534	29.21
TOTAL		1,976.81

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3. Neither the First nor the Second or the Third Defendant has paid the said sum of CI$1,976.81 or any part thereof.

4. The Plaintiff also claims as against the First Defendant interest pursuant to contract at the rate of 18% per annum.

AND THE PLAINTIFF CLAIMS AS AGAINST THE FIRST DEFENDANT:-

1. The above principal sum of CI$1,976.81.

2. Interest thereon accrued to 14 February 1997 of CI$89.68.

3. Interest accruing each day hereafter at the rate of CI$0.97 per day until judgment or sooner payment.

4. Further and/or other relief.

5. Fixed costs of CI$250.00 plus the prescribed filing fees of CI$100.00.

Total amount as of 14 February 1997: CI$2,416.49

STATEMENT REGARDING INTEREST:

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1. The rate of interest claimed is 18% per annum.

2. The date from which interest is calculated is 15 November 1996.

3. The total amount of interest claimed as at 14 February 1997 is CI$89.68 as to CI$1,976.81.

4. The amount of interest accruing each day thereafter is CI$0.97.

AND THE PLAINTIFF CLAIMS AS AGAINST THE SECOND AND THIRD DEFENDANT:-

1. The above principal sum of CI$1,976.81.

2. Interest thereon pursuant to the Judicature Law at the rate of 7 3/8% per annum for such period and for such amount as the court thinks fit.

3. Further and/or other relief.

4. Fixed costs of CI$250.00 plus the prescribed filing/bailiff fees of CI$160.00.

Total amount as of 13 March 1997: CI$2,386.81

If, within the time for returning the Acknowledgment of Service, the First Defendant pays the total amount claimed of CI$2,416.49 (including interest and fixed costs) further proceedings will be stayed. The money must be paid to the Plaintiff's Attorney.

Orren Merren & Co

ORREN MERREN & COMPANY
Attorneys-at-Law for the Plaintiff

This Writ was issued by Messrs. Orren Merren & Company, the attorneys-at-law for the Plaintiff, whose address for service is Kirk House, 3rd Floor, Albert Panton Street, George Town, P.O. Box 481G, Grand Cayman, Cayman Islands, British West Indies.

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 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 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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 166 of 1997

BETWEEN:	COX LUMBER CO.	PLAINTIFF
AND:	CONSTRUCTION 1 CO. LTD	FIRST DEFENDANT
AND:	EVERTON VIDAL	SECOND DEFENDANT
AND:	MORRIS M. GARCIA	THIRD 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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf