

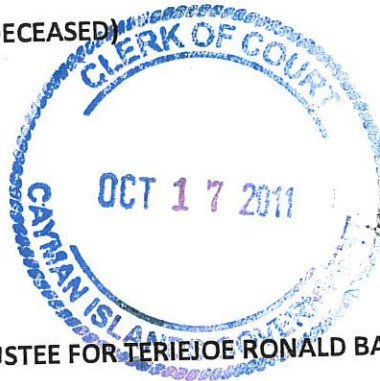
IN THE GRAND COURT OF THE CAYMAN ISLANDS  
PROBATE AND ADMINISTRATION DIVISION

CAUSE NO. **G413** OF 2011  
Legal Aid 0164/2011

IN THE ESTATE OF MARCELLA HELEN BODDEN (DECEASED)

BETWEEN:

- (1) THELMAN SHANE WRIGHT
- (2) WAYNE WRIGHT



PLAINTIFFS

AND

- (1) BARBERA HELENANN BARROWS
- (2) BARBERA HELENANN BARROWS AS TRUSTEE FOR TERIEJOE RONALD BARROWS
- (3) TEKA RUTH WHORMS
- (4) TURNER BENJAMIN WRIGHT
- (5) TEKA RUTH WHORMS AS TRUSTEE FOR AARIYAH ASHLYN WHORMS & RYLEIGH ASHANDI WHORMS
- (6) ROBIN BODDEN AS REPRESENTATIVE FOR LORENA HUDSON, MANDALEE DILBERT, ROBIN BODDEN & KAY O'CONNOR.

DEFENDANTS

ORIGINATING SUMMONS

TO:  
BARBERA HELENANN BARROWS  
TEKA RUTH WHORMS  
TURNER BENJAMIN WRIGHT  
ROBIN BODDEN  
HEATHER MAE JAIRAM  
DENECA OLIVIA JAIRAM  
KHRISTINA MARIE JAIRAM



LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiffs, c/o Samson & McGrath, Attorneys at law, 5<sup>th</sup> Floor, Genesis Building, George Town, Grand Cayman, the Plaintiff's claim the following relief:

1. That the Court pronounce a decree that the purported will of Marcella Helen Bodden (deceased) dated 16<sup>th</sup> February 2008 is invalid.

Costs

### Particulars of Claim

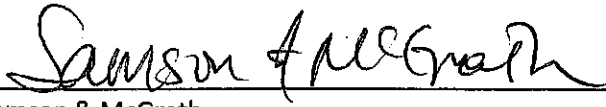
1. The 1<sup>st</sup> Plaintiff is a son of the deceased, Ms Marcella Helen Bodden. He is also a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008.
2. The 2<sup>nd</sup> Plaintiff is a son of the deceased, Ms Marcella Helen Bodden. He is also a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008.
3. The 1<sup>st</sup> Defendant is a daughter of the deceased, Ms Marcella Helen Bodden. She is also a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008.
4. The 2<sup>nd</sup> Defendant is a daughter of the deceased, Ms Marcella Helen Bodden. She is also the trustee to her son Teriejoe Ronald Barrows as a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008.
5. The 3<sup>rd</sup> Defendant is a daughter of the deceased, Ms Marcella Helen Bodden. She is also a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008.
6. The 4<sup>th</sup> Defendant is a son/grandson of the deceased, Ms Marcella Helen Bodden. He is also a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008.
7. The 5<sup>th</sup> Defendant is a daughter of the deceased, Ms Marcella Helen Bodden. She is also the trustee to her daughters Aariyah Ashlyn Whorms and Ryleigh Ashandi Whorms as beneficiaries under a purported will of the deceased dated 16<sup>th</sup> February 2008.
8. The 6<sup>th</sup> Defendant is a ? of the deceased, Ms Marcella Helen Bodden. She is also a beneficiary under a purported will of the deceased dated 16<sup>th</sup> February 2008. She is named as a Defendant in a representative capacity to represent the interests of Mandalee Dilbert, Lorena Hudson and Kay O'Connor who all stand to benefit equally from the will.
9. The deceased passed away on the 26<sup>th</sup> June 2008.

10. After her passing a document purporting to be her last will and testament was placed in the hands of the 1<sup>st</sup> to 3<sup>rd</sup> Defendants.
11. The Will was not properly executed for the following reason:
  - (a) The will was not signed by the testator in the presence of two or more witnesses present at the same time and in particular;
  - (b) Witness Robin Bodden was not present when the will was signed by the Testator.
  - (c) Witness Robin Bodden was not present when the will was witnessed by the other witness, whose identity is unknown.
  - (d) Robin Bodden has confirmed orally that the will was improperly executed and the Attorney on record for the 1<sup>st</sup> and 3<sup>rd</sup> Defendant have acknowledged that the will is defective.
12. The 1<sup>st</sup> Plaintiff caused a citation to be issued on the 31<sup>st</sup> March 2009 citing the beneficiaries of the will to propound the will.
13. The 1<sup>st</sup> named defendant entered an appearance to the citation on the 12<sup>th</sup> May 2009.
14. The 1<sup>st</sup> and 3<sup>rd</sup> named defendants have not, since that time, taken any steps to propound the will.
15. It is believed that no issue is taken by the 1<sup>st</sup> and 3<sup>rd</sup> Defendants as to the deficiency with the will and that no substantial factual dispute arises in this matter.

**Robin Bodden as Representative**

16. The 6<sup>th</sup> named defendant is named in a representative capacity to act for Lorena Dilbert, Mandalee Dilbert and Kay O'Connor and on her own behalf. Their entitlement under the purported will is as follows: "two keepsake items each from my collection of ornaments."
17. It is believed that as a result of the deficiencies in the will, the will is invalid as it fails to meet the requirements of s6 of the Wills Law (2004 Revision).

Dated the 17 day of October 2011.

  
\_\_\_\_\_  
Samson & McGrath

NOTE - This Summons 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 that date unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by Samson and McGrath, Attorney's at Law whose address for service is 5<sup>th</sup> Floor Genesis Building, George Town, Grand Cayman, PO Box 446 G.T.

## DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

### OF ORIGINATING SUMMONS

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.

#### 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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
PROBATE AND ADMINISTRATION DIVISION**

**CAUSE NO. P      OF 2011**

**IN THE ESTATE OF MARCELLA HELEN BODDEN (DECEASED)**

**BETWEEN:**

- (1) THELMAN SHANE WRIGHT**
- (2) WAYNE WRIGHT**

**PLAINTIFFS**

**AND**

- (1) BARBERA HELENANN BARROWS**
- (2) BARBERA HELENANN BARROWS AS TRUSTEE FOR TERIEJOE RONALD BARROWS**
- (3) TEKA RUTH WHORMS**
- (4) TURNER BENJAMIN WRIGHT**
- (5) TEKA RUTH WHORMS AS TRUSTEE FOR AARIYAH ASHLYN WHORMS & RYLEIGH ASHANDI WHORMS**
- (6) ROBIN BODDEN AS REPRESENTAIVE FOR LORENA HUDSON, MANDALEE DILBERT, ROBIN BODDEN & KAY O'CONNOR.**

**DEFENDANTS**

**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING 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.

---

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

---

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes

no

---

Service of the Originating Summons 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 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.

Samson & McGrath  
5<sup>th</sup> Floor Genesis Building  
PO Box 446  
Grand Cayman KY1 – 1106  
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]