

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

CAUSE NO: 506 OF 2011
Legal Aid #198/11

IN THE MATTER OF THE ESTATE OF ALBERT LOPEZ FREDERICK (DECEASED)
AND IN THE MATTER OF ORDER 85 r 2 OF THE GRAND COURT RULES

BETWEEN:



YOLANDA FREDERICK



PLAINTIFF

AND:

ANITA LAMAE EDWARDS AND DARLA ELVERIA FREDERICK

DEFENDANTS

ORIGINATING SUMMONS

TO:

Anita Lamae Edwards
Darla Elveria Frederick

And

Luz Marina Rossman Frederick
Maude Maria Frederick

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 above named Plaintiff c/o Samson & McGrath, Attorneys at Law, 5th Floor Genesis Building, Genesis Close, George Town, Grand Cayman seeks the following orders and directions of the Court;

1. Pursuant to Order 4 rule 4 of the Grand Court Rules that this action be consolidated with Grand Court Cause No. 3 of 2010.
2. That each defendant does within 14 days of the date of this Order file a sworn affidavit containing an account of all dealings with the Estate of Albert Lopez Frederick.
3. That the defendants do cease purporting to act as administrators of the Estate of Albert Lopez Frederick until further order of the Court.
4. That the defendants lodge to Court funds all proceeds from the sale of Lower Valley 32C 395 and 396 within 14 days of this Order.

5. The Court gives its advice, opinion and directions on the administration of the Estate of Albert Lopez Frederick from the date of this Order.
6. That penal consequences attach to paragraphs 2 through 4 of this Order.
7. An Order for costs against the Defendants.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 20 day of December 2011



Samson and McGrath
Attorneys at Law for the Plaintiff

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, Attorneys at Law whose address for service is 5th Floor Genesis Building, George Town, Grand Cayman, P.O. 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.

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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
5th 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]