

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 521 OF 2011

BETWEEN PROFESSIONAL SECURITY & MANAGEMENT LTD. PLAINTIFFS  
AND FOURTH QUARTER PROPERTIES 1 (CAYMAN ISLANDS) LTD. DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: FOURTH QUARTER PROPERTIES 1 (CAYMAN ISLANDS) LTD.  
c/o 435 Walkers Road  
P.O. Box 1316, Grand Cayman, KY1-1108

*THIS WRIT OF SUMMONS* has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

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, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

*If you fail to satisfy the claim or 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      day of                      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 Acknowledgement of Service are given with the accompanying form.

**STATEMENT OF CLAIM**

1. The Plaintiff is a Company registered under the Companies Law of the Cayman Islands and engaged in the business of providing private security and management services to various entities on the Cayman islands and was at all material times engaged to perform security services by the Defendant.
2. The Defendant was at all material times a Company registered under the Companies Law of the Cayman Islands and purported to be the operators and/or managers of the Courtyard Marriott Hotel located on West Bay Road, West Bay, Grand Cayman.
3. Between October 2008 and February 2010 the Defendant contracted with the Plaintiff for the Plaintiff to provide security services at the said Courtyard Marriott Hotel.
4. As of the 1<sup>st</sup> February 2010 the Defendant owed the Plaintiff the sum of CI\$77,309.72 in respect of services provided to them under their agreement in respect of the said Courtyard Marriott Hotel.
5. In breach of their contractual obligation to the Plaintiff the Defendant have failed to settle the said debt despite repeated requests for them to do so.
6. On or about the 25<sup>th</sup> day of November 2011 the Plaintiff, through their Attorneys-at-Law, made a formal demand on the Defendant to settle their said indebtedness.
7. That despite these demands the Defendant has failed to settle their debt to the Plaintiff.
8. That as consequence of the Defendant's said failure the Plaintiff has suffered loss and damage.

**Particulars of Loss & Damage**

- (a) Balance owing on Invoices for work done between October 2008 and February 1<sup>st</sup> 2010 CI\$77,309.22

**Statement Regarding Interest**

- (i) The prescribed rate of interest from the 1<sup>st</sup> February 2011 to the date of filing is 3% per annum;
- (ii) The accrued interest to date of filing is CI\$4,244.27
- (iii) The per diem interest as of the 1<sup>st</sup> February 2011 is CI\$6.35c

**Schedule of Interest Calculated**

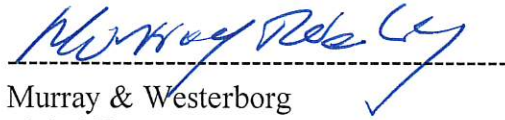
$$\begin{array}{r} \text{CI\$77,309.22} \times 3\% / 100 \times 671 / 365 \\ (\text{CI\$77,309.22} \times .030 \times 1.83) \end{array} = \text{CI\$4,244.27}$$

**AND THE PLAINTIFF CLAIMS:**

1. The Principal sum of CI\$77,309.22;
2. Accrued Interest of CI\$4,244.27;
3. Interest thereafter at the relevant Statutory rate(s) since 28<sup>th</sup> December 2011 pursuant to the Judicature Law;
4. Costs.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of \$82,142.39 (including interest and cost) further proceedings will be stayed. The money must be paid to the Plaintiff or their Attorneys-at-Law.

Dated this 28<sup>th</sup> day of December 2011

  
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Murray & Westerborg  
Plaintiff's Attorneys-at-Law

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE**  
**OF WRIT OF 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 Writ of Summons, or intend to attend the proceedings and to participate in them in 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 Writ of 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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*AND FOURTH QUARTER PROPERTIES 1 (CAYMAN ISLANDS) LTD. DEFENDANT*

**ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.**

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement 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*

*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 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 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:*

Murray & Westerborg  
10 Shipping Lane  
Second Floor (South West Wing)  
Cayman Shipping Centre Building  
PO Box 10067APO  
George Town  
Grand Cayman

*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]