

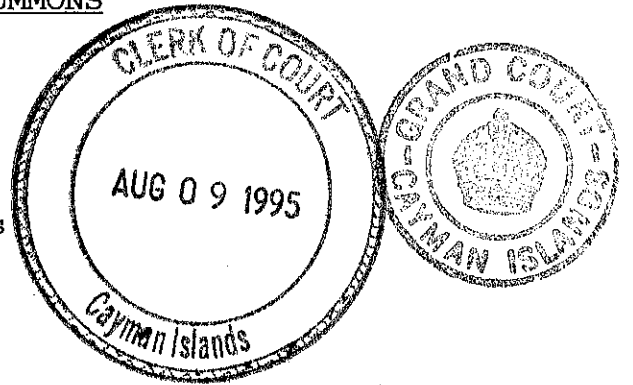
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 346 OF 1995

BETWEEN: MARBLE CRAFT LTD. PLAINTIFF
AND: KENNY I. EBANKS DEFENDANT

WRIT OF SUMMONS

TO: Kenny I. Ebanks
c/o Justus Island Custom Homes
P.O. Box 202 N.S.
Ocean Drive, North Side
Grand Cayman



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 of Summons on you, counting the days of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

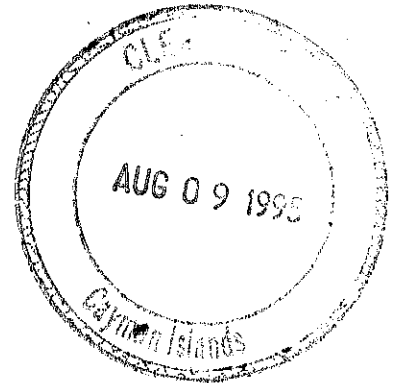
If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 9th day of August 1995.



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.

SPECIAL INDORSEMENT

The Plaintiff's claim against the Defendant is for CI\$3,058.70 being the balance due on account in respect of goods credited to the Defendant by the Plaintiff for the purpose of constructing the Defendant's dwelling home.

PARTICULARS



1. The Plaintiff is a company duly incorporated under the Laws of the Cayman Islands to carry on business as inter alia suppliers and installers of lavatory fixtures and fittings, having its registered office and place of business at its premises at Industrial Park, George Town, Grand Cayman.
2. The Defendant is a person legally resident in the Cayman Islands, whose address for service is P.O. Box 202, Ocean Drive, North Side, Grand Cayman.
3. On or about the 7th day of July, 1993 the Plaintiff supplied to the Defendant for use in the construction of the Defendant's dwelling home goods to the value of CI\$11,845.66.

4. On or about the 7th day of July, 1993 the Defendant paid the Plaintiff CI\$6,500.00 and the Plaintiff gave the Defendant in return for his patronage a CI\$500.00 discount. Thereafter a balance remained owing to the Plaintiff by the Defendant of CI\$4,845.66.
5. As a result of the indebtedness afore stated in paragraph 4 hereof, the Defendant on the 5th day of August, 1993 confirmed such in writing and voluntarily submitted to a repayment plan whereby he would discharge his obligation to the Plaintiff in the following manner:-

(a) payment of an initial deposit of CI\$1,500.00;

payment of the remaining balance at the rate of CI\$500.00 per month;

(c) payment of interest of 1% per month on the unpaid balance until such time as the account is settled; interest being deemed to have commenced as from the 1st day of August, 1993.

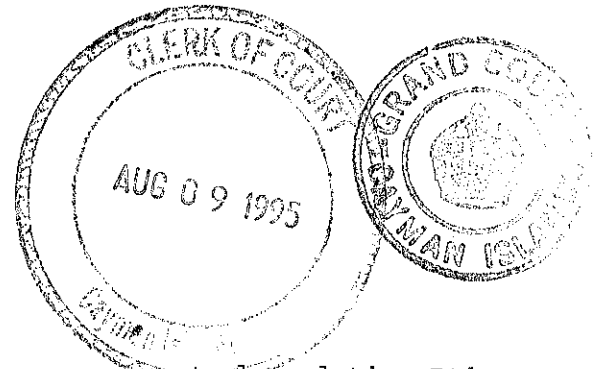
6. The Defendant in accordance with the said proposal for repayment made a payment of CI\$1500.00 on the 14th day of August, 1993 and thereafter payments of CI\$500.00 on the

21st day of September and the 23rd day of October, 1993 respectively.

7. Thereafter the Defendant made no further payment and the sum of CI\$3,058.70 (as at 1st August, 1995) remains due and owing as outstanding payments and interest on arrears by the Defendant to the Plaintiff herein.

AND THE PLAINTIFF CLAIMS:-

1. The sum of CI\$2,845.66;
2. Interests pursuant to the written agreement dated the 5th day of August, 1993 at the rate of 1% per month on the unpaid balance. The amount due (as at 1st August, 1995) being CI\$713.04 having accrued at a daily rate of CI\$0.96 per day.
3. Thereafter interest at the rate of $8 \frac{3}{8}$ % per annum from the date of judgment until satisfaction.
4. Fixed costs pursuant to Order 62 Rule 1 (b) of the Grand Court Rules, 1995 of CI\$250.00 together with costs of filing this Writ of CI\$115.00.



If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$2,845.66 plus interest and costs as afore-stated further proceedings will be stayed. The money must be paid to the Plaintiff or his attorney.

Dated this ^{9th} day of August 1995.

Charles Adams Ritchie Duckworth
CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF



This Writ was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 346 OF 1995

BETWEEN: MARBLE CRAFT LTD. PLAINTIFF
AND: KENNY I. EBANKS 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



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.

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

Charles Adams, Ritchie & Duckworth
Attorneys-at-Law
P.O. Box 709
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.



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 to the Law Courts, P.O. Box 495, 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.

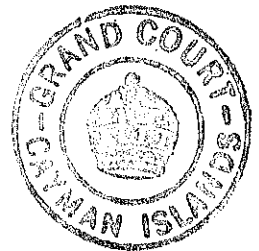
If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

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 installments 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.

