

No. 1

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 277 of 1997

BETWEEN: HER-BEST WALLCOVERINGS, INC.

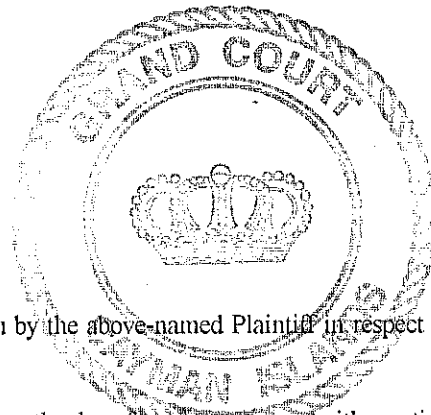
PLAINTIFF

AND: PARAMOUNT CARPET SALES & SERVICE LIMITED.

DEFENDANT

WRIT OF SUMMONS APR. 25. 1997

TO: Paramount Carpets Sales & Service Ltd.  
c/o Huntlaw Corporate Services Ltd  
P.O. Box 1350 GT.,  
The Huntlaw Building  
Fort Street  
George Town  
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 16th day of April 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

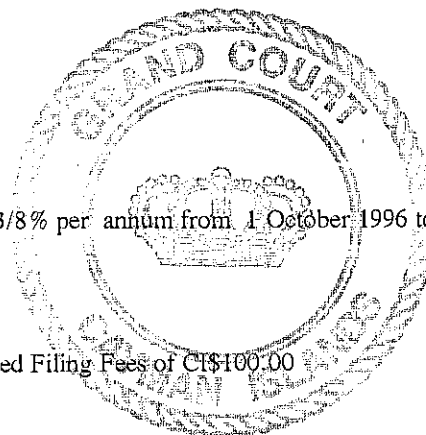
1. The Plaintiff's claim is for the price of goods sold to the Defendant as per the following invoices:-

DATE	INVOICE #	AMOUNT (US\$)
09.08.96	32477	48.13
30.08.96	32554	2,969.50
<b>TOTAL</b>		<b><u>3,017.63</u></b>

APR. 25.1997

AND THE PLAINTIFF CLAIMS against the Defendant:-

1. AN ORDER for the payment of the sum of US\$3,017.63.
2. INTEREST pursuant to The Judicature Law at the rate of 7 3/8% per annum from 1 October 1996 to 16 April 1997, equal to US\$118.80 and continuing.
3. FURTHER and/or other relief.
4. FIXED COSTS of C1\$250.00 (US\$304.87) and the Prescribed Filing Fees of C1\$100.00 (US\$121.95).



Total Amount as of 16<sup>th</sup> day of April 1997:

US\$3,563.25

### STATEMENT REGARDING INTEREST:

1. Interest pursuant to The Judicature Law (1995 Revision) at 7 3/8% per annum.
2. The date from which interest is calculated is 1 October 1996 as to US\$3,017.63.
3. The total amount of interest claimed as at 16 April 1997 is US\$118.80.
4. The amount of interest accruing each day thereafter is US\$0.60.

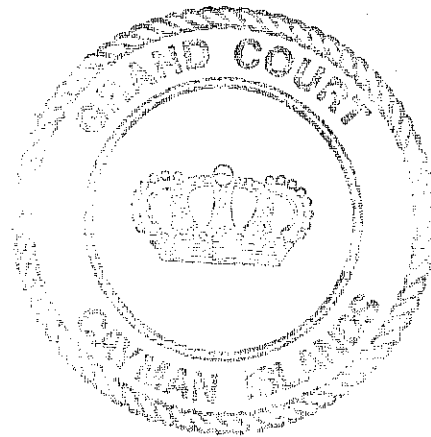


If, within the time for returning the Acknowledgment of Service, the Defendant pay the total amount claimed of US\$3,563.25 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff's Attorney-at Law.

Dated this 16<sup>th</sup> day of April 1997.

Orren Merren & Company  
Orren Merren & Company

APR 25 1997



THIS WRIT OF SUMMONS was issued by Orren Merren & Company whose address for service is Kirk House, Third Floor, Albert Panton Street, P.O. Box 481, George Town, Grand Cayman, Cayman Islands, B.W.I.



Acknowledgment of service of writ of summons (O.12, r.3)

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*

## 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.



**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.*

Orren Merren and Company  
Kirk House, 3<sup>rd</sup> Floor  
Albert Panton Street  
P.O. Box 481  
Grand Cayman  
Cayman Islands, B. W. I.  
  
Ref: AJT:wes

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