

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN**

CAUSE NO.: *2013* OF 2013

**BETWEEN:**

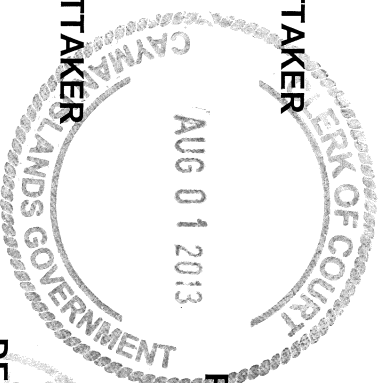
**HENRY WHITTAKER**

**PLAINTIFF**

**AND:**

**SERENA WHITTAKER**

**DEFENDANT**



**WRIT OF SUMMONS**

**TO: Serena Whittaker  
#21 Galaxy Way  
Savannah  
Grand Cayman**

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

Within fourteen (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 495, Grand Cayman KY1-1106, Cayman Islands, 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.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE**  
**OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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 Acknowledgement 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 as far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgement of service.
3. For the purposes 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 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 his 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

Issued this 1<sup>st</sup> day of August 2013

**NOTE:** This Writ may not be served later than four (4) calendar months (or if leave is required to effect service out of the jurisdiction, six (6) months) beginning with the date of re-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 and was at all material times the sole owner of property described on the land registry of the Cayman Islands as Registration Section Prospect, Block 24E, Parcel 153.
2. The Defendant is and was at all material times the joint owner along with the Plaintiff of property described on the Land Register of the Cayman Islands as Registration Section Spotts, Block 28B, Parcel 6.
3. Under the terms of an agreement dated 24<sup>th</sup> September 2008 (the First Agreement) the Plaintiff agreed to pledge the property hereinbefore described as Registration Section Prospect, Block 24E (the collateral property) as collateral for a loan obtained by the Defendant from First Caribbean International Bank in the amount of CI\$796,000.00.
4. On the 29<sup>th</sup> March 2010, the Plaintiff and the Defendant entered into a further agreement (the Second Agreement) whereby in consideration of the premises, the Defendant undertook and agreed to secure the release of the collateral property by or before and in any event no later than 31<sup>st</sup> May 2010.
5. In breach of the second agreement, the Defendant has refused and still refuses to take the appropriate steps to secure the release of the charge against the collateral property in spite of repeated requests, oral and in writing, by the Plaintiff to the Defendant to do so.

### **AND THE PLAINTIFF CLAIMS:**

- (i) Specific performance of the aforesaid Second Agreement dated 29<sup>th</sup> March 2010.

- (ii) Further or in the alternative, damages for breach of the said Agreement.
- (iii) Further or other relief.
- (iv) Costs.

  
**KARIN M. THOMPSON**  
Attorney-at-Law for the Plaintiff

**THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM IS FILED** by Karin M. Thompson, Attorney-at-Law for the Plaintiff whose address for service is that of his said Attorney-at-Law, #10 Shipping Lane, Cayman Shipping Centre (Second Floor), P.O. Box 1708, Grand Cayman KY1-1109.

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**BETWEEN:**

**HENRY WHITTAKER**

**PLAINTIFF**

**AND:**

**SERENA WHITTAKER**

**DEFENDANT**

**ACKNOWLEDGEMENT OF SERVICE**  
**OF WRIT OF SUMMONS AND STATEMENT OF CLAIM**

If you intend to instruct an Attorney to act for you, give him this 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: \_\_\_\_\_



**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 case of a limited company, "residence" means its registered or principle 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.*

Karin M. Thompson  
2<sup>nd</sup> Floor, Cayman Shipping Centre  
#10 Shipping Lane George Town,  
Grand Cayman  
Cayman Islands  
945-1230

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