

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 214 OF 2014  
LACV 107/2009

In the Matter of the Partition Act 1539, the Partition Act 1540, the Partition Law (1997 Revision) and Block 38B Parcel 463 Lower Valley.

**BETWEEN:**



**MARIVEL EBANKS-YATES**

PLAINTIFF

v.

**MIREYA ODALYS EBANKS**

DEFENDANT



**ORIGINATING SUMMONS**

TO: Mireya Odalys Ebanks  
79 Old Yard Lane  
Northward  
Bodden Town

LET THE DEFENDANT, within 14 days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, P.O Box 495G, George Town, Grand Cayman, KY1-1106.

By this Summons, which is issued on the application of Marivel Ebanks-Yates, PO Box 400, Bodden Town, Grand Cayman, KY1-1302, the Plaintiff claims against the Defendant an order for the sale of property at Block 38B Parcel 463 Lower Valley and a distribution of the proceeds from the same to the Plaintiff and Defendant, along with all necessary or proper consequential directions as the Court may think just and expedient.

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

Dated the 18<sup>th</sup> day of September 2014.

  
\_\_\_\_\_  
**PRIESTLEYS**

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 the date of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form.

**DIRECTIONS FOR ACKNOWLEDGEMENT 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, PO 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 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 fourteen (14) days for acknowledging service, a Summons 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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL HEALTH 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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**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes [ ]      No [ ]

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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 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.

**Please complete overleaf**

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

**Priestleys**  
PO Box 30310  
Second Floor, Caribbean Plaza  
878 West Bay Road  
Grand Cayman KY1-1202  
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]