

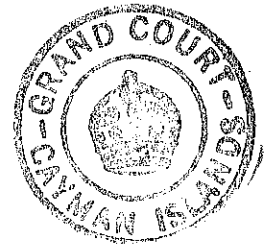
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 621 OF 1997

BETWEEN: IVY EUNICE COLLINS PLAINTIFF
AND: GEORGE VERDYN McFIELD DEFENDANT

WRIT OF SUMMONS

TO: George Verdyn McField
Red Bay Estates
Grand Cayman

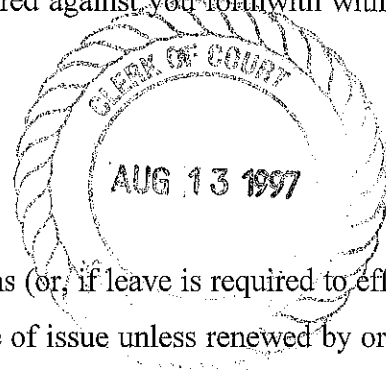


THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO 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 state, 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 12th day of August 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.

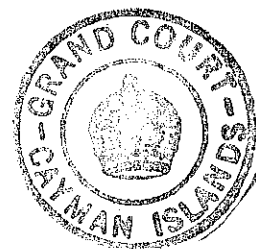
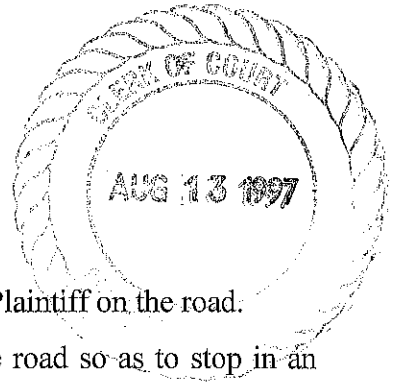
STATEMENT OF CLAIM

1. On the 10th day of August 1995 at approximately 9:00 pm the Plaintiff was driving her Mitsubishi Lancer motor vehicle registration number 47940 along Red Bay Road in a westerly direction towards George Town. Whilst in the vicinity of the Red Bay Plaza, a horse which was grazing at the side of the road strayed into the path of the Plaintiff's vehicle. The Plaintiff, in order to avoid a collision with the horse, applied her brakes, when a motor vehicle registration number 36685 being driven by the Defendant collided with the rear of her vehicle.

2. The said collision was caused by the Defendant's negligence and breach of the statutory duties under Section 60 of The Traffic Law 1991.

Particulars of Negligence

- (1) Driving too fast.
 - (2) Failing to keep a proper lookout or to observe the presence of the Plaintiff on the road.
 - (3) Failing to maintain sufficient distance from other vehicles on the road so as to stop in an emergency without being involved in a collision.
 - (4) Failing to stop, slow down, swerve or in any way manage or control his vehicle so as to avoid colliding with the Plaintiff.
-
3. By reason of the Defendant's said negligence and breach of statutory duties the Plaintiff has suffered loss and damage.



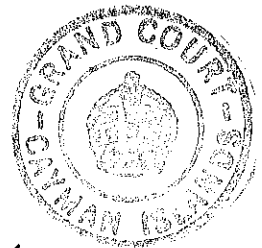
Particulars of Special Damage

Total Loss Value of the Plaintiff's Motor Vehicle	CI\$11,500.00
Appraisal Fee	110.00
Estimate & Towing Charge	100.00
Police Report	25.00
	<hr/>
	CI\$11,735.00
Less Salvage Value	1,200.00
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Total Loss	<u>CI\$10,535.00</u>

AND THE PLAINTIFF CLAIMS:-

1. Special Damages in the amount of CI\$10,535.00.
2. Interest pursuant to Section 34 of the Judicature Law (1995 Revision).
3. Costs.

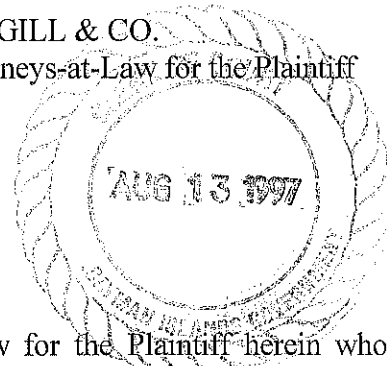
DATED this 12th day of August 1997.



C. S. Gill + Co
C.S. GILL & CO.
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant



THIS WRIT was filed by C.S. GILL & CO., Attorneys-at-Law for the Plaintiff herein whose address for service is 4th Floor Genesis Building, PO Box 945, George Town, Grand Cayman, Cayman Islands, BWI.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 62 OF 1997

BETWEEN: IVY EUNICE COLLINS PLAINTIFF
AND: GEORGE VERDYN McFIELD 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.

C.S. GILL & CO.
4th Floor Genesis Building
PO Box 945
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]

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, PO Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed 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 the 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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

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 of 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.