

IN THE GRAND COURT OF THE CAYMAN ISLANDS
PROBATE DIVISION

CAUSE NO. **92** OF 2017

IN THE MATTER OF THE ESTATE OF SELMA LEOLA EBANKS, DECEASED
AND IN THE MATTER OF ORDER 76 GRAND COURT RULES 1995 (REVISION)
AND IN THE PROBATE AND ADMINISTRATION RULES (2008 REVISION)
AND IN SECTIONS 5 AND 8 OF THE SUCCESSION LAW (2006 REVISION)

BETWEEN:

LEVY ASHTON EBANKS

Plaintiff

AND:

FAYLENE LEOLA EBANKS

Defendant

WRIT OF SUMMONS

TO: Ms. Faylene Leola Ebanks
26 Hettie's Lane, West Bay,
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 28 days after the service of the Writ on you, counting the day of service, you must either satisfy the claim of return to the Court Office, P.O. Box 495, George Town, Grand Cayman, 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 judgement may be entered against you forthwith without further notice.

Issued this 5th day of June 2017.

NOTE: - This Writ may not be served later than 4 calendar months (or, if leave is require to effect service out of the jurisdiction, 6 months) beginning with the date of issue renewed by order of the Court.

IMPORTANT

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

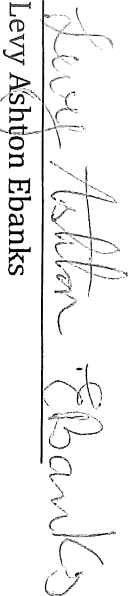
STATEMENT OF CLAIM

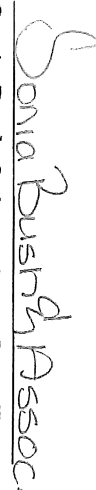
1. The Plaintiff is a beneficiary under the Last Will and Testament ("the Will") of Selma Leola Ebanks, deceased.
2. The deceased was the biological mother of the Plaintiff.
3. The Defendant is the named Executor in the Will executed on 10th May 1999 of the deceased.
4. The deceased died on or about the 5th day of April 2005.
5. The Defendant was appointed as the Personal Representative of the deceased by way of a Grant of Probate issued on 6th January 2006.
6. The Plaintiff, under the Will, is entitled to shares of Real Estate Property in land situate at West Bay North West, Block 4E Parcel 71, Grand Cayman, Cayman Islands and personal property of the deceased.
7. The Defendant has not transferred the Real Estate Property in accordance with the Will of the deceased as at the date of this Writ.
8. The Plaintiff has suffered damages including but not limited to loss of rental income as result of the conduct of the Defendant.
9. The Defendant is negligent in the management of the estate of the deceased, or;
10. The Defendant is negligent in the administration of the estate of the deceased, or;
11. The Defendant is responsible misconduct in the management of the estate of the deceased, or;
12. The Defendant is responsible misconduct in the administration of the estate of the deceased.

AND THE PLAINTIFF claims:

1. The Defendant to be removed immediately as the Personal Representative of the Estate of Selma Leola Ebanks and be replaced with the Plaintiff.
2. The Defendant to execute land transfer documents within 14 days of presentation to her, to cause the Plaintiff to be registered as a legal title holder of property registered on the Cayman Islands land register as registration section West Bay North West, Block 4E Parcel 71.
3. Damages in the amount of 11,477.32 and interest thereon;
4. Costs; and
5. Further or other relief as the Court deems fit.

If within the time for returning the Acknowledgment of Service, the Defendant undertakes to consent to the claims from claim 1 to claim 4, further proceedings will be stayed.


Levy Ashton Ebanks
Plaintiff


Sonia Bush & Associates Law Firm
Attorneys for the Plaintiff

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICES
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 "Statements of Claim" appear on the top of page 2) the Defence must be served within 28 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 28 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 is 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 28 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 (.....)" his name.
6. 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 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.

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BETWEEN:

LEVY ASHTON EBANKS

Plaintiff

AND:

FAYLENE LEOLA 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 Delay may result in judgment being notes for guidance carefully before completing this entered against a Defendant form. If any information required is omitted or given whereby he may have to pay the wrongly, THIS FORM MAY HAVE TO BE RETURNED. 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 No

Service of this Writ is acknowledged accordingly

(Signed) _____
Defendant/Attorney for the Defendant

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place if 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 communication for him should be sent. In the case of a limited company, "residence" means it 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.

Sonia Bush & Associates Law Firm
Attorneys-at-Law
Grand Pavilion Commercial Center,
802 West Bay Road,
P. O. Box 11139
Grand Cayman, KY1-1008
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.

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