

No. 1

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN: THE ATTORNEY GENERAL

AND: MARY DELROSE MCCOY



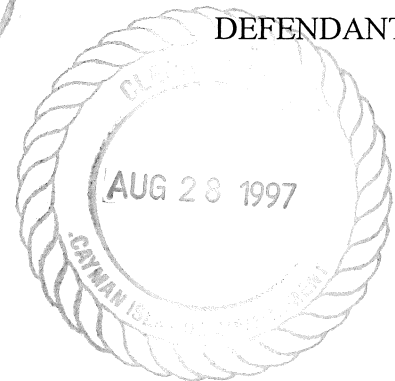
649
CAUSE NO: OF 1997

PLAINTIFF

DEFENDANT

WRIT OF SUMMONS

TO: MARY DELROSE MCCOY
LITTLE LODGE
LITTLE 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 495 G, 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 14th 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. The Plaintiff claims CI\$52,860.23 from the Defendant being payment owed as surety on behalf of Charles Mitchell McCoy who is in breach of the student bond signed in favor of the Cayman Islands Government.
2. On 4th January 1991 the Defendant signed a student bond in which she agreed to act as surety for Charles Mitchell McCoy, which required that in the event Charles McCoy defaulted on his agreement with the Cayman Islands Government, the Government would hold the surety responsible for repayment of the amount of the bond.
3. The student bond states inter alia that "in return for the provision of such monies the student will faithfully and diligently serve the Government in the performance of the duties of such public office within the qualifications and ability of the student as may be specified by the Government for a period of 4 years immediately following the time during which the course ought to have been successfully completed."
4. Charles McCoy graduated from the University of Tampa in June 1994 with a degree in marketing and accounting. Upon his graduation the Government made several attempts as evidenced by correspondence on file to offer him employment with the Civil Service but Mr McCoy refused, stating that he preferred the standard of living in Little Cayman.
5. The Government has no employment opportunities to offer him in Little Cayman.
6. The principal sum owing under the student bond amounts to \$53,110.23, being tuition and other expenses related to the obtaining of the degrees in marketing and accounting from the University of Tampa. To date one payment of \$250.00 has been made, and there has been no other payment or contribution made pursuant to the terms of the student bond by Charles McCoy or his sureties.

AND THE PLAINTIFF claims:

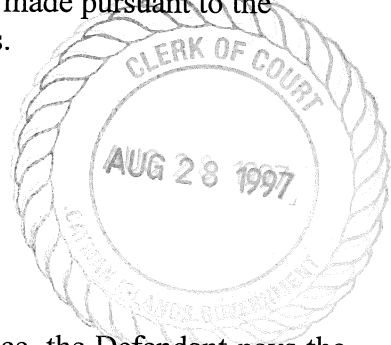
- 1..CI\$52,860.23.
- 2.. Interest at the statutory rate of 7 3/8%
- 3.. Costs of CI\$150.00

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed further proceedings will be stayed. The money must be paid to the Plaintiff.



On behalf of the Attorney-General

THIS WRIT was issued by The Attorney-General whose address for service is
c/o The Treasury Department, Government Administration Building, George Town,
Grand Cayman.



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.

BETWEEN: THE ATTORNEY-GENERAL

PLAINTIFF

AND: MARY DELROSE MCCOY

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 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 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.

THE ATTORNEY-GENERAL
C/O THE TREASURY DEPARTMENT
GOVERNMENT ADMINISTRATION BUILDING
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.