

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 656 OF 1997

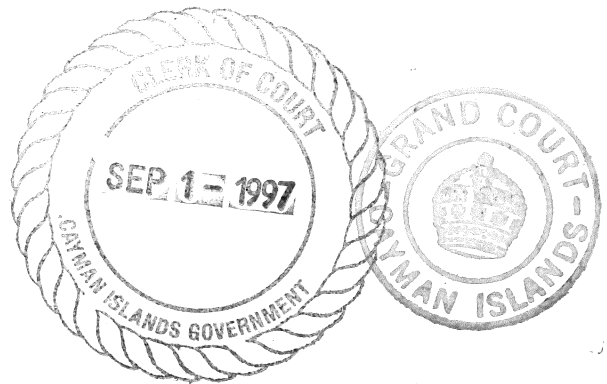
**BETWEEN:** CHRIS JOHNSON **PLAINTIFF**  
**AND:** (1) EDEN COOK-BODDEN  
(2) ANTONY COOK-BODDEN  
(3) SIMON COOK-BODDEN **DEFENDANTS**

WRIT OF SUMMONS

**TO:** Eden Cook-Bodden  
George Town  
Grand Cayman

**AND TO:** Antony Cook-Bodden  
George Town  
Grand Cayman

**AND TO:** Simon Cook-Bodden  
George Town  
Grand Cayman



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

Within 14 days after 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 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.

Issued this 15<sup>th</sup> day of September, 1997.

**NOTE** - This Writ may not be served later than 4 calendar 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.

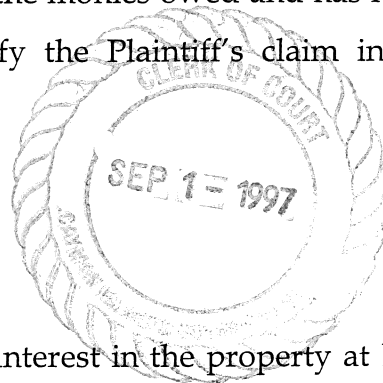
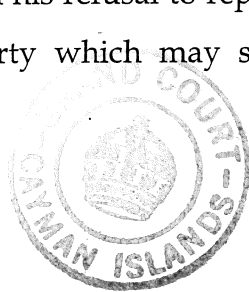
## STATEMENT OF CLAIM



1. The First Defendant is the son of an old friend of the Plaintiff. The Second and Third Defendants are the sons of the First Defendant.
2. Between December 1994 and January 1997 the Plaintiff loaned monies to the First Defendant in various instalments such that a sum of CI\$199,118.54 plus interest remains outstanding from the First Defendant to the Plaintiff.
3. The Plaintiff became concerned as to the ability of the First Defendant to repay the monies loaned in or about the end of May 1997, when the Plaintiff became aware that the First Defendant had been replaced as the Administrator of the estate of William Eden Snr. and when the First Defendant started to refuse to accept the telephone calls of the Plaintiff.
4. As a result of the lack of assurance from the First Defendant, the Plaintiff issued proceedings by a Writ of Summons and a Statement of Claim both dated 13 June 1997, which were served on the First Defendant on 20 June 1997 ("the First Proceedings").
5. By an Acknowledgment of Service form dated 30 June 1997 the First Defendant stated an intention to defend the First Proceedings. However the First Defendant has not yet served a Defence in those proceedings and the Plaintiff has made an application for a Default Judgment.
6. The Plaintiff further obtained an *ex parte* Order in the First Proceedings dated 17 July 1997 restraining the First Defendant from dealing with, charging, selling or disposing of any property or any other assets which he has an interest in, howsoever held, specifically including a property known as Block 18A, Parcel 18, West Bay Beach South, Grand Cayman ("the Property"). Said Order was served on the First Defendant on 25 July 1997.
7. In fact the First Defendant had, without the Plaintiff's knowledge, purported to transfer his interest in the Property to the Second and Third Defendants in consideration of love and

affection and had registered that transfer with the Registrar of Lands on 26 May 1997. Such consideration was inadequate and significantly less than the value of the property.

8. The said transfer of the Property between the Defendants constituted an attempt by the First Defendant to defeat any claims which the Plaintiff might have as a creditor, in anticipation of an imminent claim by the Plaintiff. The said transfer of the Property constitutes a disposition of the Property made with an intent to defraud and at an undervalue. The said transfer of the Property between the Defendants is therefore voidable at the instance of the Plaintiff.
9. The First Defendant continues in his refusal to repay the monies owed and has not offered any evidence of further property which may satisfy the Plaintiff's claim in the First Proceedings.



AND THE PLAINTIFF claims:

1. That the said conveyance of the Plaintiff's beneficial interest in the property at Block 18A Parcel 18 West Bay Beach South to the Defendants be set aside and cancelled.
2. Such other relief as the Honourable Court shall see fit.
3. Costs.

*Quin & Hampson*

**QUIN & HAMPSON**

THIS WRIT was issued by Messrs. Quin & Hampson, whose address for service is Quin & Hampson, Harbour Chambers, Third Floor, Harbour Centre, PO Box 1348, George Town, Grand Cayman, Cayman Islands BWI.

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 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 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 his 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

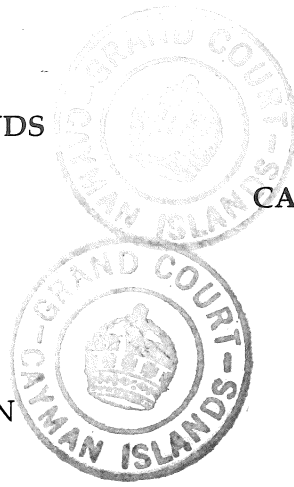
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BETWEEN: CHRIS JOHNSON

PLAINTIFF

AND: (1) EDEN COOK-BODDEN  
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(3) SIMON COOK-BODDEN

DEFENDANTS



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.*

Messrs. Quin & Hampson  
Attorneys-at-Law  
Third Floor, Harbour Centre  
P.O. Box 1348  
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.*