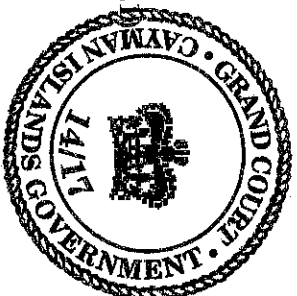


No. 1

Writ of Summons (0.6, r. 2)

IN THE GRAND COURT OF THE CAYMAN ISLANDS.



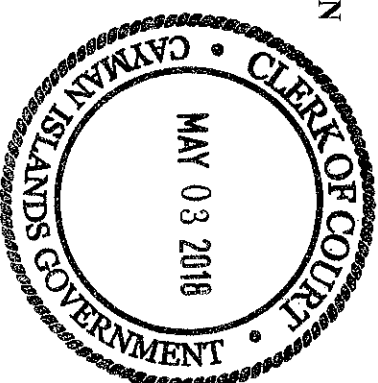
CAUSE NO: OF 2018 <sup>83</sup>

BETWEEN:

JOHNNIEY ASWARD JOHNSON HURLSTON

AND:

ADAM MILBURN



WRIT OF SUMMONS

TO: ADAM MILBURN, HSM ATTORNEYS AT LAW, FORT STREET GEORGE TOWN 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, P.O. 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 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 day <sup>3<sup>rd</sup></sup> of MAY 2018.

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.

Filed by Brady Attorneys-at-Law, Crown Square, Eastern Avenue, George Town, P.O. Box 11740 APO, George Town KY1-1109, Attorney-at-Law for the Plaintiff herein.

## IMPORTANT

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

### STATEMENT OF CLAIM

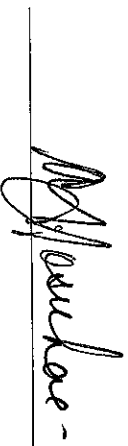
1. The Plaintiff is the owner of a Grey Ford Truck Model F-150, registration mark 132009, vin No IFTRX14W57NA23200.
2. The Defendant is the son of the Plaintiff's deceased (23rd May 2017) wife, Mrs Martha Milburn, from an earlier relationship.
3. The said truck was sourced and purchased on 21st November 2008 from Brandon Ford car dealership in Tampa Florida by the Plaintiff and for use in his business.
4. The Payment for the said purchase in the sum of US\$19,382.75 was issued from the account of Mrs Martha Milburn. However, the said funds came from the Plaintiff.
5. The truck was exported from the USA to the Cayman Islands by the Plaintiff on the 21st November 2008.
6. The truck was licensed and insured in the name of Mrs Martha Milburn, with Bogle Insurance because the said late Martha Milburn had a policy of insurance with the said Bogle Insurance and it was expedient to use her name for the registration. The plaintiff has driven the truck since it's arrival and has used it in his business on Island
7. In November 2017, the Plaintiff substituted his name for that of his late wife at the Department of Vehicle and Licensing.
8. On Wednesday 25th April 2018 the Defendant, accompanied by 2 police officers wrongly took possession of the said truck, thereby depriving the Plaintiff of it's use and enjoyment.
9. The Defendant has purported to offer the said truck for sale on his facebook page.
10. The Plaintiff seek the return forth with of his property and in the alternative seeks injunctive relief to prevent it's disposal whether by sale or transfer or otherwise and in the further alternative seeks damages.

11. In the event that the court determines the Plaintiff (contrary to his assertion) is not the full legal owner of the said truck, he will contend that he has a beneficial interest in the said truck.

12. The Plaintiff is entitled to interest on such losses as he is able to prove pursuant to S34 of Judicature Law(2013 Revision)

**AND THE PLAINTIFF claims:**

1. The delivery up of the Ford Truck F-150, and or
2. Such further or other relief as the court may deem just and to include injunctive relief to prevent the disposal of the said truck whether by sale or transfer or otherwise
3. In the alternative damages
4. In the further alternative a determination of the extent of his beneficial interest.
5. Interest as aforesaid
6. Costs



[Signature of Plaintiff or his Attorney]

**Acknowledgement of service of writ of summons (0.12, 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.



Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

**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.

Amelia Fosuhene  
Brady Attorneys at Law  
B6 Crown Square Eastern Avenue  
PO Box 1671 APO

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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