

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. / OF 2019

BETWEEN:

SCOTIABANK & TRUST (CAYMAN) LIMITED

PLAINTIFF

AND:

NELSON WILLIAM CARTER

DEFENDANT



ORIGINATING SUMMONS



LET THE PARTIES attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the            day of            2019 at            am on the hearing of an application by the Plaintiff for the following order that:


1. Within 48 hours of the date of the Order, the Defendant and any person occupying the property known as Registration Section Savannah, Block 27E, Parcel 238H3 ("the Property") provide the Plaintiff and its agents or representatives, with access to the Property at such times and upon such reasonable notice as the Plaintiff and their agents or representatives may require.
2. On acceptance of an unconditional purchase offer on the Property, this Honourable Court do sanction and permit a variation of the provisions of section 75(2) of the Registered Land Law (2018 Revision) ("the Law") under the provisions of section 77 of the Law to allow the Plaintiff to recover possession of the Property.
3. If the Defendant fails to comply with paragraphs 1 or 2 above:
  - 3.1. the Plaintiff be given immediate vacant possession of the Property, and
  - 3.2. the Plaintiff have leave to issue a writ of possession for immediate execution.

4. Such further or other relief as this Honourable court thinks just.

**AND LET THE DEFENDANT** on or before the return date of this Originating Summons, return the accompanying Acknowledgement of Service to the Courts office.

**DATED:** 3 January 2019

**FILED:** 3 January 2019

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**CAMPBELLS**  
Attorneys at Law for the Plaintiff

**NOTES:**

- (1) This Summons may not be served later than 4 calendar months, beginning with the above date unless renewed by order of the Court.
- (2) If a Defendant does not attend personally or by his attorney at the time and place above-mentioned, such order will be made as the Court may think just and expedient.

**IMPORTANT**

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

Time Estimate: 15 minutes

To: The Clerk of the Court

And To: Nelson William Carter, Defendant

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2019

BETWEEN: SCOTIABANK & TRUST (CAYMAN) LIMITED PLAINTIFF

AND: NELSON WILLIAM CARTER DEFENDANT

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**ACKNOWLEDGEMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*)

yes

no

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Service of the Originating Summons is acknowledged accordingly

(Signed).....

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.

**Campbells  
Floor 4, Willow House  
George Town KY1-9010  
Grand Cayman**

**Tel: 949 2648  
Fax: 949 8613  
(Ref: JAS/13456-20661)**

*Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE**

**OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them as far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgement of service.
3. For the purposes 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office