

G0070/2019

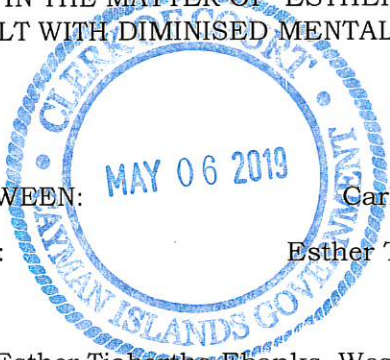


IN THE GRAND COURT OF THE CAYMAN ISLANDS

IN THE MATTER OF SECTION 14 OF THE GRAND COURT LAW (2015 REVISION

AND IN THE MATTER OF SS. 18 & 19 OF THE MENTAL HEALTH LAW, 2013 (Law 10 of 2013)

AND IN THE MATTER OF ESTHER TIABERTHA EBANKS (aka Esther Tabitah Ebanks) , AN ADULT WITH DIMINISED MENTAL CAPABILITIES



ORIGINATING SUMMONS

BETWEEN:

Carlene Carter

APPLICANT

AND:

Esther Tiabertha Ebanks

RESPONDENT



TO: Esther Tiabertha Ebanks, West Bay, Grand Cayman

LET THE RESPONDENT attend before a Judge of the Grand Court in Chambers at the Law

Courts, George Town, Grand Cayman on the _____ day of _____, 2019 at

_____ o'clock in the fore/afternoon or so soon thereafter on the hearing of an Application

by the Applicant who seeks the determination of the Court on the following question, namely

an Order:

1. That the Applicant be appointed Legal Guardian and Receiver ("the Legal Guardian and Receiver") of the estate of Mrs. Esther Tiabertha Ebanks aka Esther Tiaberth Ebanks ("the Patient").
2. That the Legal Guardian and Receiver be authorized to provide the required consent for and on behalf of the Patient for medical treatment (as defined in the Mental Health Law), or any procedures which she may require and all follow-up medical procedures which may become necessary in the future.
3. That the Legal Guardian and Receiver be authorized to sign any document whether medical or legal for the Patient's treatment or any other need which may arise.
4. That the Legal Guardian and Receiver be authorized to sign and/ or execute any document or instructions in relation to the Patient's financial affairs.

5. That the Legal Guardian and Receiver be authorized to hire, employ, retain nursing and/or home care assistance and services which is required to assist the Legal Guardian and Receiver with the Patient's care as and when needed.
6. That the Legal Guardian and Receiver be authorized to pay any salaries, expenses hospital and medical charges relating to services or treatment provided to the Patient.
7. That the Legal Guardian and Receiver be authorized to carry out and execute any and all other necessary and/ or required instructions and/or decisions which the Legal Guardian considers necessary for the Patient's well-being and care.
8. That the Legal Guardian be appointed Receiver pursuant to GCR.80,r 17 in relation to the administration of the estate of the Patient.
9. That the Legal Guardian be authorized to manage, sell acquire, charge or deal with any property or asset of the Patient.
10. That the Legal Guardian and Receiver be authorized to deposit into and withdraw from any account at any bank or lending institution in the Cayman Islands and elsewhere such of the Patient's monies as may be necessary for the proper maintenance, upkeep and medical expenses and care of the Patient.
11. That the legal Guardian and Receiver shall keep proper accounts of the administration and management of the property or asset of the Patient and whenever required by this Honourable Court to do so, shall file in this Honourable Court copies of such accounts.
12. That there be not order as to costs.
13. That there be liberty to apply.

AND LET THE RESPONDENT within 14days after service of this summons on her, counting the day of service return the accompanying Acknowledgment fo Service to the Courts office.

DATED this  day of May, 2019.


Morris Garcia

NOTE: (1) This Summons must not be served later than 4 months beginning with the above date unless renewed by the Court.

(2) If a Respondent does not attend personally or by his/her Attorney-at-law at the time and place mentioned such Order will be made as the Court may think just and expedient.

IMPORTANT: Directions for Acknowledgement of Service are given with the accompanying form.

TO: The Clerk of Courts

AND TO: The Respondent

This Originating Summons is filed by Morris Garcia, Attorney-at-law for the Applicant whose address for service is that of her said attorney, 1st Floor, Artemis House, 67 Fort St, G.T., Grand Cayman.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
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 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.
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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2019

BETWEEN CARLENE CARTER APPLICANT
AND ESTHER TIABERTHA EBANKS RESPONDENT

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

If you intend to instruct an attorney to act for you give him/her 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.

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

2. State whether the Defendant intends to contest the proceedings.

Service of the Originating Summons is acknowledged accordingly

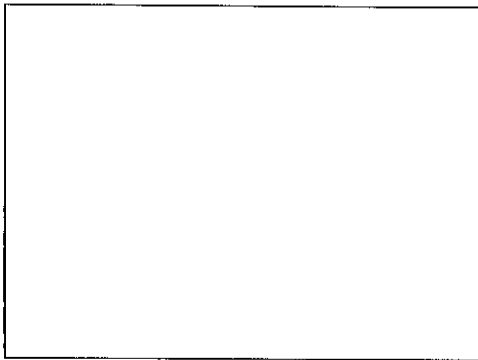
(Signed)

(Attorney) for

Address for service

Please complete overleaf

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



Indorsement by respondent's attorney (or by respondent if suing in person) of his/her name, address, if any, in the box below:

