

PLAINT

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 123 of 2019

BETWEEN: THE ATTORNEY GENERAL

Plaintiff

AND:

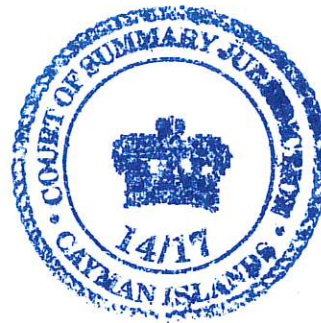


- (1) EVERTON MALCOLM T/A MALCOLM CONSTRUCTION & REPAIR;**
- (2) EVERTON MALCOLM T/A MALCOLM POOL SERVICE;**
- (3) EVERTON MALCOLM T/A MALCOLM SIGNS & WINDOW TINTING; AND**
- (4) MALCOLM GROUP OF COMPANIES LTD.**

Defendant

To the Defendant:

EVERTON MALCOLM
199 Seymour Drive
Warehouse 4 & 5, George Town
Grand Cayman



THIS PLAINT 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 service of this Plaint on you, counting the day of service you must either satisfy the claim or return to the Court office, PO Box 495GT, George Town Grand Cayman, the accompanying Acknowledgement of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this 4th day of June, 2019

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. The Defendant is and was at all material times trading as a Cayman Islands licensed company carrying on business pursuant to the laws of the Cayman Islands. The Defendant's registered office is 199 Seymour Drive, Warehouse #4&5, Box 152 George Town, Grand Cayman KY 1-1502.
2. Over a period of six months the Defendant issued several cheques that were drawn on the name of his four companies to the government for the payment of services. The cheques were dishonoured by the bank and returned to the Government due to insufficient funds. The details of the dishonoured cheques are:

Company	Cheque No.	Date of Cheque	Amount CI\$	Admin Fees	Cost of Service	Payment Received	Total owed to CIG CI\$
Everton Malcolm t/a Malcolm Pool Service	1135	4 Jul 18	1,995.00	40.00	150.00	1,247.29	967.71
Malcolm Group of Companies	213	27 Dec 18	2,200.00	40.00	150.00		2,390.00
Everton Malcolm t/a Malcolm Construction & Repair	4630	31 Dec 18	1,350.00	40.00			1,390.00
Everton Malcolm t/a Malcolm Signs & Window Tinting	117	21 Jan 19	675.00	40.00			715.00
TOTAL							5,642.71

3. The total sum owed to the Cayman Islands Government is CI\$5,642.71 inclusive of administration fees and costs associated with personal service of the demand for payment.
4. Notwithstanding the demands for payment being made on the Defendant and the efforts to have the Defendant enter a payment agreement, the Defendant has failed to honour promises to do so.
5. To date the Defendant has failed or neglected to make full payment on this amount to the Plaintiff despite repeated demands for payment.
6. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

7. The Defendant should also pay interest at the prescribed rate on the debt as at the date of this Plaint as well as at the per diem rate until the debt has been paid in full.

AND THE PLAINTIFF claims:

- a. CI\$5,642.71 being the total sum due to the Plaintiff.
- b. Fixed costs at CI\$150.00 or as to be assessed.



Attorney General

Plaintiff's address for service

The Cayman Islands Government
Treasury Dept.
3rd Floor Government Admin Bldg.
133 Elgin Ave, George Town
Grand Cayman, Cayman Islands
Attn: Nathania Pearson, Debt Recovery
Manager.

This PLAINT was filed by the Plaintiff whose address for service is Treasury Department, Government Administration Building, 133 Elgin Avenue, George Town, Grand Cayman KY1-9000, Cayman Islands

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 2019

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Plaintiff

AND: (1) EVERTON MALCOM T/A MALCOLM CONSTRUCTION & REPAIR;
(2) EVERTON MALCOLM T/A MALCOLM POOL SERVICE;
(3) EVERTON MALCOLM T/A MALCOLM SIGNS & WINDOW TINTING; AND
(4) MALCOLM GROUP OF COMPANIES LTD

Defendant

ACKNOWLEDGEMENT OF SERVICE

1. State the Defendant's name and address-

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

Yes

No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4. If you intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaint is acknowledged accordingly.

Defendant's Signature

Dated this _____ day of _____ 2019

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed).

Defendant's Signature

REMINDER: This form must be taken to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise default judgment may be entered against you.