

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 104 OF 2019

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

AND IN THE MATTER OF SECTIONS 18 & 19 OF THE MENTAL HEALTH LAW, 2013 (LAW 10 OF 2013)

AND IN THE MATTER OF ALTHEA MARIE POWELL

BETWEEN: LOXLEY ELMSLIE McLEAN BANKS
JENNIE ELIZABETH MANDERSON
JOHN BRYAN BOTHWELL
ORA ADELEE HOLLEBON



- APPLICANTS

AND: ALTHEA MARIE POWELL

- RESPONDENT



ORIGINATING SUMMONS



To: To ALTHEA MARIE POWELL, of P.O. Box 610, West Bay, Grand Cayman KY1-1303, Cayman Islands, British West Indies

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 on the hearing of an application by the Applicant who seeks the determination of the Court on the following question, namely an Order:-

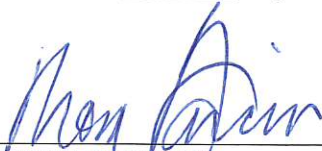
1. That the Applicants be appointed Joint Legal Guardians (“the Joint Legal Guardians”) of the estate and assets of Ms. Althea Marie Powell (“the Patient”).
2. That the Joint Legal Guardians be appointed Joint Receivers of the estate of the Patient pursuant to GCR. O.80, r.17 (“hereinafter referred to as “the Joint Legal Guardians”)
3. That the Joint Legal Guardians 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.
4. That the Joint Legal Guardians be authorized to sign any documentation, whether medical or legal necessary for the Patient’s treatment, or any other need which may arise.
5. That the Joint Legal Guardians be authorized to sign and/or execute any documentation or give any instructions in relation to the Patient’s financial affairs at Cayman National Bank Ltd. (“the Bank”), or elsewhere.
6. That the Joint Legal Guardians be authorized to hire, employ, retain nursing and/or home care assistance and services which may be required to assist the Joint Legal Guardians with the Patient’s care as and when required.
7. That the Joint Legal Guardians be authorized to pay out of the funds of the Patient at the Bank, or any other bank or banks, any salaries, pensions, health insurance, expenses, hospital, medical charges and all other expenses relating to services or treatment provided to the Patient.
8. That the Joint Legal Guardians be authorized to carry out and execute any and all other necessary and/or required actions, instruction and/or decisions which the Joint Legal Guardians consider necessary for the Patient’s well-being and care.

9. That the Joint Legal Guardians are authorized to manage, sell, acquire, charge or deal with any assets or real property or properties which may be owned by the Patient, or in which the Patient has a vested interest.
10. That the Joint Legal Guardians are authorized to deposit into and withdraw from any accounts at the Bank, or 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 Joint Legal Guardians be and are hereby authorized to execute or sign all banking resolutions, banking forms in the name of the Patient, or for the Patient, any, and all forms required by the Bank to access, regularize and operate any bank accounts held by the Bank in the name of the Patient ("the Bank Accounts"), (including the withdrawal of funds from the Bank Accounts).
12. That the Joint Legal Guardians are authorized to deposit into and withdraw from the Bank Accounts, or from any bank or lending institution in the Cayman Islands and elsewhere ("the Other Accounts"), such of the Patient's monies as may be necessary for the proper care, maintenance, upkeep and medical expenses of the Patient;
13. That the Joint Legal Guardians be at liberty to close the Patient's existing Bank Accounts at the Bank, and to open a new bank account, or accounts ("the New Accounts") in the names of the Joint Legal Guardians at a bank of their choice in the Cayman Islands for the proper banking, use and accounting of the assets of the Patient, and the said New Accounts to be operated under the signatures of any two of the Joint Legal Guardians signing together, and to transfer to the New Accounts the balance held in the Bank Accounts.
14. That the Joint Legal Guardians shall keep proper accounts of the administration and management of the assets of the Patient, and whenever required by this

Honourable Court to do so, shall file in this Honourable Court copies of such accounts.

15. That the reasonable cost of this application and the reasonable cost of the Joint Legal Guardians incidental to and consequent upon the Order shall be paid from the Bank Accounts, the Other Accounts, the New Accounts, or any other accounts or accounts at a bank or lending institution in the Cayman Islands in the name of the Patient.
16. That any act, deed or thing to be done or document to be signed by the Joint Legal Guardians appointed, shall be in compliance with the Order of this Honourable Court in this Cause if signed by any two of the Joint Legal Guardians, signing together.
17. That there be liberty to apply.

DATED this 28th day of June, 2019



MORRIS GARCIA
ATTORNEY-AT-LAW FOR THE APPLICANT

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 Attorney-at-law 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.

TO: The Clerk of the Court

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 their said attorney, P.O. Box 253, Grand Cayman KY1-1501, Cayman Islands, British West Indies

Acknowledgement of service of originating summons (O.10, r.5)

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 495, Grand Cayman KY1-1106, Cayman Islands.

Notice 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 Originating 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 authorized 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.

IN THE GRAND COURT OF THE CAYMAN ISLAND

CAUSE NO. OF 2019

BETWEEN

PLAINTIFF

AND:

DEFENDANT

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

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 (*tick appropriate box*)

yes

no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

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.

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