

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

LACV0091/2019

CAUSE NO: 45 OF 2020

BETWEEN:

MARVIN ALFRED KELLY

Plaintiff

and

JUDITH HODGSON

First Defendant

IVOR LARIN HODGSON SR.

Second Defendant

DUSTIN LAREN HODGSON

Third Defendant

IVOR LARIN HODGSON JR.

Fourth Defendant



WRIT OF SUMMONS

TO: JUDITH HODGSON of P.O. Box 236, Grand Cayman KY1-1501, Cayman Islands
c/o TMC Chambers, 34 Hospital Road, Grand Cayman KY1-1203, Cayman Islands.

IVOR LARIN HODGSON SR., DUSTIN LAREN HODGSON and IVOR LARIN
HODGSON JR. of P.O. Box 236, Grand Cayman KY1-1501, Cayman Islands c/o TMC
Chambers, 34 Hospital Road, Grand Cayman KY1-1203, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of PO
Box 2075, Grand Cayman, KY1-1105, Grand Cayman in respect of the claims set out on the next
page.

Within 14 days after service of this Writ on you counting the day of service, you must either
satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman,
KY1-1106, Cayman Islands the accompanying Acknowledgement of Service stating therein

whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein any intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 28th day of February 2020

NOTE this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court

IMPORTANT

Directions for the Acknowledgement of service are given with the accompanying form

GENERAL INDORSEMENT

The Plaintiffs' claim is for:

- (i) A declaration that the Plaintiff has the right to legal title to Block 44B, Parcel 364, Registration section Bodden Town (the "**Land**") by virtue of:
 - a. a constructive trust upon which the Defendants hold the Land on trust for the Plaintiff;
 - b. proprietary estoppel; or
- (ii) An order that the land register be rectified to reflect any of the declarations made in accordance with paragraph (i), above;
- (iii) Alternatively a declaration that the Plaintiff has a licence for his lifetime to live peaceably upon the Land.
- (iv) Damages;
- (v) Aggravated Damages;
- (vi) Interest pursuant to section 34 of the Judicature Law (2017) Revision;
- (vii) Costs.

DATED at Grand Cayman this 28th day of February 2020

Nelsons

NELSONS
Attorneys for the Plaintiff

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: OF 2020

BETWEEN:

MARVIN ALFRED KELLY

Plaintiff

and

JUDITH HODGSON

First Defendant

IVOR LARIN HODGSON SR.

Second Defendant

DUSTIN LAREN HODGSON

Third Defendant

IVOR LARIN HODGSON JR.

Fourth Defendant

ACKNOWLEDGMENT OF SERVICE OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

2. State whether the Defendant intend to contest the proceedings (tick appropriate box)

Yes

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

Yes

THIS WRIT OF SUMMONS is filed by Nelsons Attorneys at Law t/a Nelson, Attorneys-at-Law for the Plaintiff whose address for service is P.O. Box 30069, Grand Cayman KY1-1201, Cayman Islands.

Service of the Writ is acknowledged accordingly

Signed
Defendant/Attorney for the Defendant

Address for service:

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.

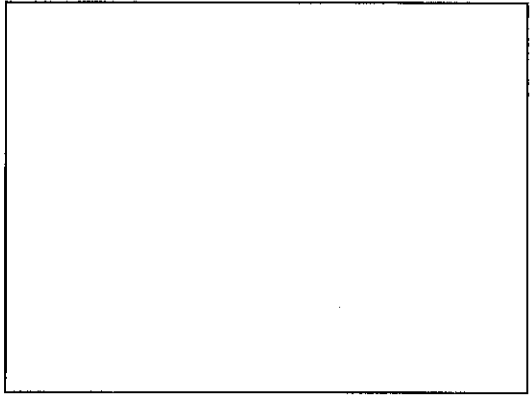
Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

Nelsons Attorneys at Law PO Box 30069 31 The Strand 46 Canal Point Drive Grand Cayman KY1-1201 Attn: A Carver/C Flanagan
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Indorsement by Defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

THIS WRIT OF SUMMONS is filed by Nelsons Attorneys at Law t/a Nelson, Attorneys-at-Law for the Plaintiff whose address for service is P.O. Box 30069, Grand Cayman KY1-1201, Cayman Islands.



THIS WRIT OF SUMMONS is filed by Nelsons Attorneys at Law t/a Nelson, Attorneys-at-Law for the Plaintiff whose address for service is P.O. Box 30069, Grand Cayman KY1-1201, Cayman Islands.

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 495, 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

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.