



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 58 OF 2021

IN THE MATTER OF SECTIONS 11, 23, AND 27 OF THE REGISTERED LAND LAW, (2018 REVISION)

IN THE MATTER OF REGISTRATION SECTION WEST BAY NORTH WEST BLOCK 1D PARCEL 481

BETWEEN	JAMES ORRIN EBANKS	PLAINTIFF
AND	JAMES PATTERSON EBANKS	DEFENDANT

ORIGINATING SUMMONS

LET THE DEFENDANT, of 13 Hamlet Lane Corella Road, Water Course Road, West Bay, Grand Cayman, attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2021, at o'clock in the noon on the hearing of an application by the Plaintiff for the following Orders:

1. That the Registrar of Lands be directed to remove the name of the Defendant as a joint proprietor of the West Bay North West Block 1D Parcel 481 on the basis that the Registration was obtained by fraud and/or deception, as the act of transferring the property in the name of the parties on or about the 8th February 2012 was invalid because the Plaintiff was mistaken about its character when signing it.
2. That the Defendant be restrained whether by himself, his agents and/or servants from assaulting, molesting, annoying, threatening or in any other way interfering with the Plaintiff as he goes about his lawful business.
3. That a Penal Notice be issued against the Defendant in respect of any breaches of paragraph hereof.
4. That there be an Order requiring the First Caribbean International Bank/CIBC to provide to the Plaintiff, via the offices of his Attorneys-at-Law, details of his bank account which was closed in February 2021, including, but not limited to signatory cards details and deposits and withdrawals from said account.
5. That there be such further Order as the Court deems appropriate in the circumstances.
6. That the Defendant do bear the costs of these proceedings.

AND LET THE DEFENDANT within 14 days after service of this Summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office.

Dated the 26th day of February 2021.

Murray & Westerborg
Plaintiff's Attorneys-at-Law

NOTES: -

- (1) This Summons may not be served later than 4 calendar months, beginning with that date unless renewed by order of the Court.
- (2) If the Defendant does not attend personally or, by her 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.

THIS ORIGINATING SUMMONS was issued by Murray & Westerborg, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of her said Attorneys-at-Law, The Second Floor (Southwest Wing), Cayman Shipping Centre Building, 10 Shipping Lane, George Town, Grand Cayman

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BETWEEN JAMES ORRIN EBANKS PLAINTIFF

AND JAMES PATTERSON EBANKS DEFENDANT

AFFIDAVIT IN SUPPORT

I, JAMES ORRIN EBANKS, Retiree, of 4 Hamlet Lane, Water Course Road, West Bay, Grand Cayman, being duly sworn, make oath and say as follows that:

1. I am the Plaintiff herein and the Defendant is my son.
2. I am 97 years of age, being born on July 1924, but as evidenced by the document exhibited hereto as "JOE1" I am in good mental health. I am unable to read.
3. Up until on or about the 8th day of February 2012 I was the sole registered proprietor of property being Registration Section West Bay North West Block 1D Parcel 481.
4. On that date as can be seen on the documents exhibited hereto as "JOE2" I purportedly transferred the said properties in the joint names of the Defendant and myself. I had no knowledge that I had done any such act on or about the said day.
5. Sometime before that date I had sold a piece of adjoining property to the Defendant, on which he now resides. At the time of selling the property I had told the Defendant that I would make a Will and give a portion of the property that was still in my name to the Defendant's son, Randy Ebanks and I would give another piece to my other grandson, Ronaldo Garcia.
6. Sometime after that occurrence the Defendant came to me and said that he and I should go to the Government Administration Building to sign the Will. I accompanied him to said building and I executed a document in the presence of Mrs. Hope Stephenson, a Justice of the Peace.
7. At the time of signing the document I thought I was signing a Will. I did not know that I had transferred my property into the Defendant's name as Joint Proprietor with me.
8. Sometime in 2018 or 2019 the Defendant and I had an argument over the land. I had advised my grandson, Ronaldo Garcia, that I had left a part of the property to him in my Will, but I wanted to transfer it to him before I died. I instructed him to have the land subdivided in order for me to transfer the land I was giving to him.
9. It is to my knowledge that my said Grandson went about having the land subdivided. However, he was unable to have this done as he informed me that the land was in the joint names of the Defendant and myself and the Defendant's agreement to transferring the property to him was required.
10. This was the first time I was aware that the land was in the joint name of the Defendant and myself.

11. I enquired of the Defendant as to when, where and how he became a joint owner of my land. An argument developed between us and I told him that he should go and get his name off my property. The Defendant told me that he would not do as I demanded, and the said argument was of such a nature that the Police had to be called in to quell the argument between the Defendant and me.
12. As a result of the said argument, I had to obtain medical treatment as my blood pressure was elevated and my heart was pounding.
13. Following the argument, I kept enquiring of my Grand Son, Ronaldo Garcia, if he had managed to get the land subdivided. He would tell me that he had not been able to do so, and I kept telling that I would have to take the Defendant to Court to get the matter fixed.
14. The Defendant's home is right next to mine and his ex-wife, Lydia, is a paying Tenant of mine, who resides in my home. On the 31st December 2020 I was at the home of the Defendant when there was an argument between me and him. His ex-wife is a tenant in my home. He wanted me evict his ex-wife from my home and to rent the room instead to his cousin's wife. This led to an argument between me and him. I was sitting in a chair in the Defendant's home and the Defendant came to where I was and grabbed me by my left arm and physically hurled me into the yard, where I fell on my side and in the process injured my hand and thumb and side. I exhibit hereto copies of photographs evidencing my said injuries as "JOE3". The photographs of the injuries were taken by my grandson, Ronaldo Garcia.
15. The Defendant is a person possessed of a mean and violent temperament and I am fearful that I may become subjected to violence by the Defendant once these proceedings are served on him. I accordingly seek an injunction protecting me as far as possible from such an eventuality.
16. I operated a Banking Account at First Caribbean Bank when it was CIBC Bank. About two week ago I went to the Bank to transact some business with my grandson, Ronaldo Garcia. The Teller told me that the Defendants name was on the account. I was told there was a CI\$15,000.00 in the account.
17. On discovery of this I immediately closed the account and opened a new account later that same day. My name is the only name on this new account.
18. I opened the new account in the presence of my daughter, Donna Marie Garcia. When I did so the Teller, at first asked if I had transferred CI\$119,000.00 or CI\$109,000.00. I heard my daughter asked him "what did you say?" and the Teller then said, "Never Mind".
19. The monies in my account came from deposits from the Seaman's Fund, but I don't how much it is but I know the payments were a long time ago. I think the amount that is usually into the account is CI\$1,600.00 per month.
20. I was very surprised and shocked when I learnt that the Defendant's name was on the account as I had never put his name on it.
21. I am also shocked to hear that only CI\$15,000.00 was in the account. I would have expected much more than CI\$15,000.00 to be in my account.
22. On the 23rd February 2021 my Grandson, Ronaldo Garcia, and I returned to the Bank to obtain a record of transactions that had taken place in my account. The Teller to whom my Grandson spoke informed him that they could not give the information requested as the account was closed and they could not find it.

- 23. I believe that the Defendant has withdrawn or transferred monies from my account, and I require that the Bank produce the records of my account including any and all document showing that I had placed him on account as a joint holder.
- 24. In the circumstances I pray for the Orders sought in the Originating Summons hereto.

Sworn to at George Town, Grand Cayman
This 26th day of February 2021
Before me

A. E. Webb

Justice of the Peace/Notary Public

James Orrin Ebanks

James Orrin Ebanks



ADRIANNIE WEBB
Justice of the Peace
ID# AW150508

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BETWEEN JAMES ORRIN EBANKS PLAINTIFF
AND JAMES PATTERSON EBANKS DEFENDANT


EXHIBIT "JOE1"

This is the Exhibit referred to as JOE1 herein.

Sworn to at George Town, Grand Cayman
This 26th day of February 2021
Before me



James Orrin Ebanks

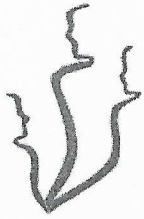


Justice of the Peace/Notary Public



ADRIANNIE WEBB
Justice of the Peace

ID# AW150508



HEALTH SERVICES AUTHORITY
CAYMAN ISLANDS
Caring People. Quality Service.

Family Medicine Department

Tel: (345) 949-3439
Fax: (345) 945-7692

95 Hospital Road, PO Box 915
Grand Cayman KY1-1103, Cayman Islands

11th February, 2021

West Bay Nurses' Health Centre
Health Services Authority
West Bay, Grand Cayman

To Whom It May Concern:

RE: JAMES ORRIN EBANKS (D.O.B. – 05/AUGUST/1924).

The above named individual is seen for his medical needs at the West Bay Clinic and the Specialist Clinic, Health Services Authority. He has been seen by me as his primary care physician since 2007.

Due to his chronic medical conditions listed below, frailty and his age, he does require physical assistance at times.

His chronic medical conditions include:

Benign Prostatic Hyperplasia – past history of urinary retention
Essential Tremor
Diabetes Mellitus 2 – controlled via lifestyle, doesn't require medication
Generalised Osteoarthritis of Appendicular joints
Thoraco-Lumbar Spondylosis
Presbycusis

In regards to his mental capacity however, there is no indication of any dementia or significant cognitive impairment. His higher mental function is excellent for someone of his age.

Yours respectfully,

Dr. Gerard E. Christian (M.B.B.S. – UHWI)
General Practitioner, Cayman Islands Health Services Authority (MDC/PL/MED/103)

My health. My team. My choice.

CERTIFIED TRUE COPY

[Signature]
REGISTRAR OF LANDS

CAYMAN ISLANDS

The Registered Land Law (2004 Revision)
The Registered Land Rules (2003 Revision)

THIRD SCHEDULE

TRANSFER OF LAND

INSTRUMENT NO.

940/12

APPROVED

FOR STAMP DUTY

[Signature]
N.L.A.
REGISTRAR OF LANDS

REGISTRATION SECTION

West Bay Northwest

BLOCK

1 D

I/WE James Orrin Ebanks

STAMP DUTY : C.I.S. 50 0 0
DATE PARCEL 8 Feb 2012

481

In consideration of Natral Love and Affection For my Son

(The receipt whereof is hereby acknowledged) HEREBY TRANSFER

To James Orrin Ebanks James Patterson Ebanks

of 618 KY1-1303 Grand cayman

the land comprised in the above mentioned title.

*The Transferees hereby declare that they hold the land as proprietors in common in the following undivided shares:-
(or as Joint Proprietors)

Dated this

08th day of February 2012

Signed by the Transferor

[Signature]

in the presence of:-

[Signature]

Signed by the Transferee

[Signature] James P. Ebanks

in the presence of:-

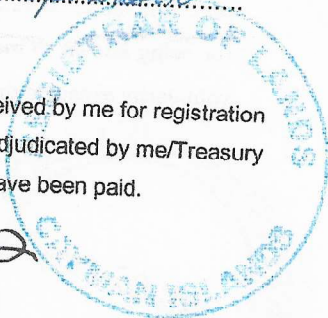
[Signature] *[Signature]*

FOR OFFICIAL USE ONLY

I, the Registrar of Lands in the Cayman Islands hereby certify that this document was received by me for registration on the 08 day of Feb 2012 and that stamp duty assessed/adjudicated by me/Treasury at C.I.\$ 50.00 and Land Registry fees at C.I.\$ 50.00 relating thereto have been paid.

REGISTERED this 20th day of Feb 2012

[Signature]
REGISTRAR OF LANDS
CAYMAN ISLANDS



416788

CERTIFIED TRUE COPY

John Russell
REGISTRAR OF LANDS

CERTIFICATE OF IDENTIFICATION

Name... James Orrin Ebanks

I HEREBY CERTIFY that the above named Person appeared before me on the 08th day of February 2012 and being identified by*

(or being known to me) acknowledged the above signature or mark to be his/theirs and that he/they had freely and voluntarily executed this instrument and understood its contents.

Hope Stephenson
HOPE STEPHENSON
Justice of the Peace
Signature and designation of the person certifying
Cayman Islands

CERTIFICATE OF IDENTIFICATION

Name... James Orrin Ebanks

I HEREBY CERTIFY that the above named Person appeared before me on the 08th day of February 2012 and being identified by*

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Hope Stephenson
HOPE STEPHENSON
Justice of the Peace
Signature and designation of the person certifying
Cayman Islands

CERTIFICATE OF IDENTIFICATION

Name... James Patterson Ebanks

I HEREBY CERTIFY that the above named Person appeared before me on the 08th day of February 2012 and being identified by*

(or being known to me) acknowledged the above signature or mark to be his/theirs and that he/they had freely and voluntarily executed this instrument and understood its contents.

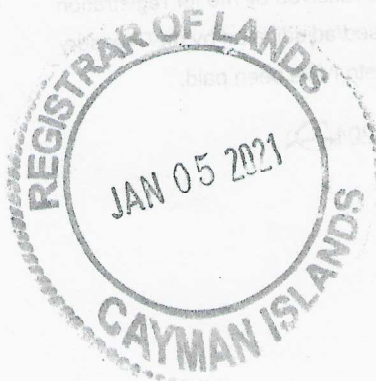
Hope Stephenson
HOPE STEPHENSON
Justice of the Peace
Signature and designation of the person certifying
Cayman Islands

CERTIFICATE OF IDENTIFICATION

Name.....

I HEREBY CERTIFY that the above named appeared before me on the day of 201 and being identified by*

(or being known to me) acknowledged the above signature or mark to be his/theirs and that he/they had freely and voluntarily executed this instrument and understood its contents.



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PBO1001

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BETWEEN

JAMES ORRIN EBANKS

PLAINTIFF

AND

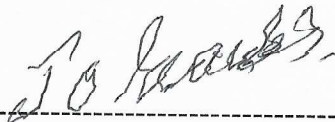
JAMES PATTERSON EBANKS

DEFENDANT

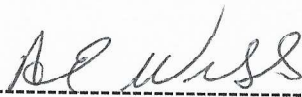
EXHIBIT "JOE3"

This is the Exhibit referred to as JOE 3 herein.

Sworn to at George Town, Grand Cayman
This 26th day of February 2021
Before me



James Orren Ebanks



Justice of the Peace/Notary Public



ADRIANNIE WEBB
Justice of the Peace

ID# AW150508





