

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 133 of 1998

IN THE MATTER OF THE ESTATE OF CHARLES DIAS STEWART, DECEASED

AND IN THE MATTER OF THE ESTATE OF IVY BERRY, DECEASED

AND IN THE MATTER OF SEC. 140(1) OF THE REGISTERED LAND LAW (1995 REVISION)

BETWEEN: ALFRED BEVERLEY BERRY, LOUIS ROBERT BERRY AND
LORENZO HENRY BERRY, as personal representatives of the Estate
of Ivy Velonie Berry, Deceased

PLAINTIFFS

AND: ELIZABETH CARMEN POWELL

FIRST DEFENDANT

AND: LILA C. GENERAL

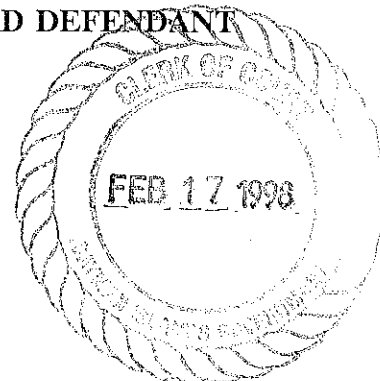
SECOND DEFENDANT

AND: THEOLINE ULA WELLINGTON & FERDINAND ADOLPHOUS
SEYMOUR, as personal representatives of the Estate of Mary Jane
Stewart, Deceased

THIRD DEFENDANT

ORIGINATING SUMMONS

TO: Elizabeth Carmen Powell
Bodden Town
Grand Cayman



AND TO: Lila C. General
Bodden Town
Grand Cayman

AND TO: Theoline Ula Wellington & Ferdinand Adolphus Seymour
Bodden Town
Grand Cayman

LET THE DEFENDANTS, within fourteen (14) days after service of this Summons on them and each of them counting the day of service, return the accompanying Acknowledgement of Service to the Court's office, P. O. Box 495G, George Town, Grand Cayman, Cayman Islands, B. W. I.

By this Summons, which is issued on the application of **ALFRED BEVERLEY BERRY, LOUIS ROBERT BERRY AND LORENZO HENRY BERRY**, as personal representatives of the Estate of Ivy Velonie Berry, Deceased the Plaintiffs claim against the Defendants the following orders:

1. That the register of the land described as Registration Section Breakers, Block 48B, Parcel 1 be rectified by:
 - (a) directing the cancellation of all entries in the proprietorship section thereof subsequent to entry no. 2 and
 - (b) substituting therefor the following entries:

(i) Ivy Berry	1/5 share
(ii) Elizabeth Carmen Powell	1/5 share
(iii) Lila C. General	1/5 share
(iv) Hildred Stewart	1/5 share
(v) Theoline Ula Wellington & Ferdinand Adolphus Seymour, as Administratrix & Administrator of the Estate of Mary Jane Stewart, deceased	1/5 share

2. That further and in the alternative the Defendants be ordered to execute and deliver a consent to a Rectification of the Register in the prescribed form from themselves personally or in their capacity as personal representatives, as the case may be, to the following persons, estates or personal representatives in that capacity in the respective shares indicated below:

- | | | |
|-----|---|-----------|
| (a) | Ivy Berry | 1/5 share |
| (b) | Elizabeth Carmen Powell | 1/5 share |
| (c) | Lila C. General | 1/5 share |
| (d) | Hildred Stewart | 1/5 share |
| (e) | Theoline Ula Wellington & Ferdinand Adolphous Seymour, as Administratrix & Administrator of the Estate of Mary Jane Stewart, deceased | 1/5 share |

3. For further and/or other relief.

4. That the First Defendant in any event and all other Defendants who contest this Originating Summons be ordered to pay the Plaintiff's costs of the action.

If the Defendants or any of them do not acknowledge service, such judgement may be given or order made against or in relation to them as the Court may think just and expedient.

Dated the 16th day of February 1998.



ORREN MERREN & COMPANY
Attorneys-at-Law for the Plaintiff

NOTE - This Summons may not be served later than 4 calendar months beginning with the date of issue, unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by Messrs. Orren Merren & Company, the attorneys-at-law for the Plaintiff, whose address for service is Kirk House, Third Floor, Albert Panton Street, P.O. Box 481G, Grand Cayman, Cayman Islands, British West Indies.

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 495G, 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 installments or otherwise.

See over for notes for guidance

Please complete overleaf

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.

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**BETWEEN: ALFRED BEVERLEY BERRY, LOUIS ROBERT BERRY AND
LORENZO HENRY BERRY, as personal representatives of the Estate
of Ivy Velonie Berry, Deceased PLAINTIFFS**

AND: ELIZABETH CARMEN POWELL FIRST DEFENDANT

AND: LILA C. GENERAL SECOND DEFENDANT

**AND: THEOLINE ULA WELLINGTON & FERDINAND ADOLPHUS
SEYMOUR, as personal representatives of the Estate of Mary Jane
Stewart, Deceased THIRD 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 intends to contest the proceedings (*tick appropriate box*)

yes

no

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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

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

Orren Merren & Company Attorneys-at-Law P.O. Box 481G Kirk House, Albert Panton Street Grand Cayman, B.W.I.

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

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