



**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
PROBATE AND ADMINISTRATION DIVISION**

**CAUSE NO: 69 OF 2021**

**IN THE MATTER OF THE ESTATE OF LENWORTH WILLIAM SMITH (DECEASED)  
AND IN THE MATTER OF ORDER 85 OF THE GRAND COURT RULES  
AND IN THE MATTER OF SECTION 8 OF THE SUCCESSION ACT (2021 REVISION)**

**BETWEEN:**

**LILIEITH HENRIETTA LAWRENCE SMITH**

**PLAINTIFF**

**-AND-**

**(1) LENWORTH MATTHEW SMITH  
(2) JAMES TARON SMITH**

**DEFENDANTS**

**ORIGINATING SUMMONS**

**TO:** Ritch & Conolly, 4<sup>th</sup> Floor Queensgate House, PO Box 1994, Grand Cayman, KY1-1104, Cayman Islands

**LET THE DEFENDANTS**, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff c/o KSG, Attorneys-at-Law, 4<sup>th</sup> Floor Harbour Centre, 42 North Church Street, PO Box 2255, Grand Cayman, KY1-1107 in her capacity as beneficiary and a personal representative of the Estate, the Plaintiff seeks the following relief against the Defendants:

1. An order that the Defendants are removed as personal representatives of the Estate pursuant to section 8 of the Succession Act (2021 Revision), and that the Plaintiff remains as the sole personal representative.
2. An order that within 14 days the Defendants furnish and verify a full inventory and account of all assets of the Estate relating to the duration of their appointment, including

This Originating Summons was issued by KSG, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4<sup>th</sup> Floor Harbour Centre, 42 North Church Street, PO Box 2255, Grand Cayman, KY1-1107. (JK-1745/20)

all profits of the business Smith's Transport and any profits from the use of the Estate's assets, including vehicles, since the Grant of Probate.

3. An order that within 14 days the Defendants lodge at the Court Funds Office all money held in their capacity as personal representatives, including all proceeds from the business known as Smith's Transport, and all proceeds arising from the use of the vehicles or assets belonging to the Estate.
4. An order that, after paragraph 3 is complied with, those proceeds are transferred to the Plaintiff pursuant to paragraph 4 of the Will of Lenworth William Smith.
5. An order that the ownership of all vehicles registered in the name of Lenworth William Smith must be transferred into the Plaintiff's name pursuant to paragraph 4 of the Will of Lenworth William Smith.
6. An order that an interim payment is made to the Plaintiff as the primary beneficiary of the Estate, pending the final determination of this application.
7. An order that the Defendants be restrained from exercising their powers as personal representatives of the Estate pending the final determination of this application.
8. If no order is made for removal of the Defendants as personal representatives of the Estate pursuant to paragraph 1 above, an order that the management of the Estate remains under the advice and direction of the Court pursuant to section 48 of the Trusts Act (2021 Revision).
9. Such further or other directions as the Court may think fit.
10. An order that penal consequences attach to the orders sought at paragraphs 2 and 3 above.
11. An order for costs against the Defendants.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 22 day of April 2021

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

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KSG Attorneys-at-Law  
Attorneys at Law for the Plaintiff

NOTE - This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with that date 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 KSG, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4<sup>th</sup> Floor Harbour Centre, 42 North Church Street, PO Box 2255, Grand Cayman, KY1-1107. (JK-1745/20)

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 495G, George Town, Grand Cayman.

**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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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**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.

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

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes  no

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Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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 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.

KSG Attorneys at Law  
4<sup>th</sup> Floor Harbour Centre  
42 North Church Street  
George Town, PO Box 2255  
Grand Cayman KY1 - 1107  
Cayman Islands

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