

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. <sup>255</sup> of 1998

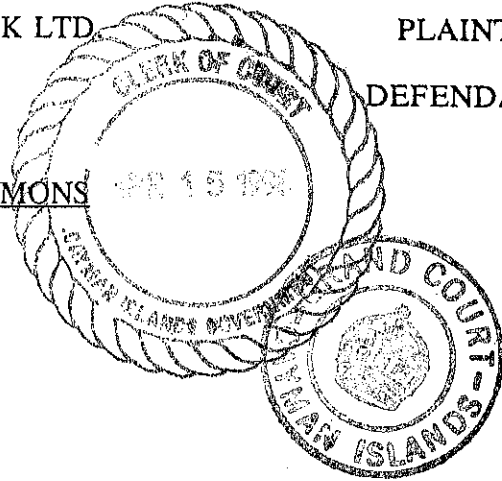
BETWEEN: CAYMAN NATIONAL BANK LTD

PLAINTIFF

AND: ROSE B. EBANKS

DEFENDANT

WRIT OF SUMMONS



TO: Rose B. Ebanks  
P.O. Box 1101 GT  
George Town  
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

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

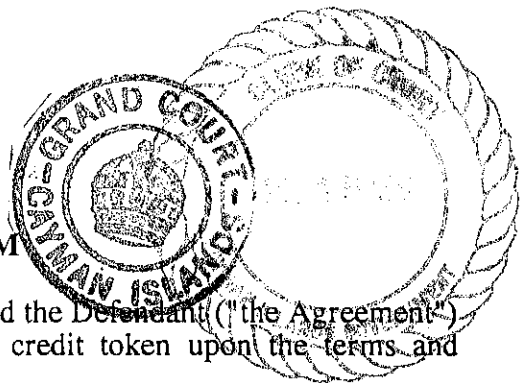
Issued this 15th day of April 1998.

NOTE - This Writ 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 the date of issue, unless renewed by order of the Court.

### IMPORTANT

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

STATEMENT OF CLAIM



1. By a written agreement made between the Plaintiff and the Defendant ("the Agreement") the Plaintiff agreed to issue the Defendant with a credit token upon the terms and conditions therein set out.
2. The terms and conditions of the Agreement provided *inter alia* that:-
  - a. possession of the credit token entitles the Defendant to obtain cash advances and purchases of goods and services upon production thereof to such persons who honour the said credit token,
  - b. once a month the Plaintiff shall send a statement to the Defendant showing the account balance including any interest charged and the minimum payment to be made by the Defendant,
  - c. the Defendant shall repay to the Plaintiff on demand the whole of the outstanding balance owing on his account if the Defendant is in breach of any terms and conditions of the Agreement,
  - d. all outstanding account balances attract interest at the rate of 1.5% per month, compounded monthly,
  - e. overdue accounts are subject to collection and all collection costs including, but not limited to, legal expenses incurred shall be charged to the Defendants account.
3. The Defendant is in breach of the terms and conditions of the Agreement by consistently failing to pay the minimum payments shown on the monthly statements sent to the Defendant.
4. The Plaintiff has made demand of the Defendant to repay the whole of the outstanding balance on his account without a satisfactory response.
5. The Plaintiff has incurred legal expenses in trying to collect the Defendant's overdue account and claims these and all further legal expenses it incurs in connection with this action.

**AND THE PLAINTIFF CLAIMS:-**

1. The principal sum owing of US\$3,153.43.
2. Interest accrued to 31 March 1998 at the rate of 1.5% per month, compounded monthly equal to US\$47.30, and continuing.
3. FURTHER and/or other relief.

4. COSTS of the Prescribed Filing and Bailiff Fees of CI\$130.00 (US\$158.53) and fixed costs CI\$250.00 (US\$304.87), alternatively costs to be assessed.

Total Amount as of 15 April 1998:

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US\$3,664.13

**STATEMENT REGARDING INTEREST:**

1. The rate of interest claimed is 1.5% per month, compounded monthly.
2. The date from which interest is calculated is 1st March 1998, as to US\$3,153.43.
3. The total amount of interest claimed as at 31st March 1998 is US\$47.30.
4. The amount of interest accruing each day thereafter is US\$1.60.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of US\$3,664.13 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff's Attorney.

*Orren Merren & Company*  
ORREN MERREN & COMPANY  
Attorneys-at-Law for the Plaintiff

*This Writ 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 instalments or otherwise.

*See over for notes for guidance*

*Please complete overleaf*

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.

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*See over for notes for guidance*

*Please complete overleaf*

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1998

BETWEEN: CAYMAN NATIONAL BANK LTD.

PLAINTIFF

AND: ROSE B. EBANKS

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.

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

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

yes  no

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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

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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 Third Floor,  
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.*

[Empty box for defendant's attorney indorsement]