



SUMMARY COURT AT GEORGE TOWN

Cause No.SC of 2022

BETWEEN: **WILLIAM ROBERT MATTHEW ATKINSON**
Plaintiff

AND: **PATRICK ROGERS**
Defendant

THIS PLAINT 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 service of this Plaintiff on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the acknowledgment of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgement** without any further notice to you.

Issued this day of , 2022.

See overleaf for particulars of the Plaintiff's claim.

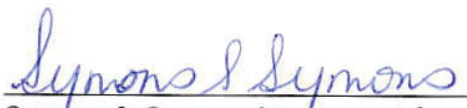
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PARTICULARS OF CLAIM

1. The First Defendant is at all material times the sole owner of a vessel identified as Doppio Sogno, a catamaran, (model: 380 S2, make: Lagoon) (hereinafter referred to as the "Vessel").
2. On 8 November 2021 the Plaintiff and Defendant entered into a written Purchase Agreement/Bill of Sale (hereinafter referred to as the "Agreement"), for the sale of the Vessel. The purchase price of the Vessel was US\$ 158,000.00 and the Plaintiff agreed, pursuant to the Agreement, to a deposit payment of US\$ 3,000.00.
3. The Plaintiff was instructed by the Defendant to transfer the deposit payment into a First Caribbean Bank account.
4. On 5 January 2022 the Plaintiff effected a transfer of USD\$ 18,000.00. This transfer constituted a payment of USD\$ 3,000.00 for the deposit and the remaining USD\$ 15,000.00 toward an advance payment toward the vessel.
5. Upon arrival in the Cayman Islands the Plaintiff was not completely satisfied with the condition of the Vessel and arrangements for delivery of the vessel. Therefore, on 19 January 2022 the Plaintiff met with the Defendant and explained that he was not proceeding with the Agreement. The Defendant understood that the Plaintiff was not proceeding with the Agreement and terminated the Agreement and the Plaintiff made arrangements to leave the Cayman Islands.
6. The Plaintiff sought return of the monies paid under the Agreement which the Defendant refused to return to the Plaintiff including the advance payment of USD \$15,000.00 toward the vessel.
7. The Plaintiff therefore seeks the return of USD\$ 15,000.00 for the advanced payment made toward the vessel.

AND the Plaintiff claims:

1. Judgement against the Defendant in the sum of CI\$15,000.00.
2. Interest
3. Costs to be assessed.



Symons & Symons Attorneys-at-law
Attorneys for the Plaintiff

THIS **Plaint** is filed by Symons & Symons, on behalf of the First Defendant, whose address for service is that of their said attorneys, namely: 4 Tropic Centre, 18 Earth Close, PO Box 30783 SMB, Grand Cayman KY1-1204 Cayman Islands [Our ref: 4986-0002]

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No.SC of 2022

BETWEEN: WILLIAM ROBERT MATTHEW ATKINSON
Plaintiff

AND: PATRICK ROGERS
Defendant

ACKNOWLEDGEMENT OF SERVICE

1. State Defendant's name and Address:-

2. State whether the Defendant intends to contest the action.

[] Yes [] No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

[] Yes [] No

4. If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of Plaintiff is acknowledged accordingly.

Defendant's Signature

Dated this ___ day of ___, 2022

See Overleaf

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PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

Defendant's Signature

REMINDER - This form must be taken or sent to the Court office, PO Box 495 GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgement may be entered against you.

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.

Please complete overleaf

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

Symons & Symons Attorneys-at-Law
4 Tropic Centre
18 Earth Close
PO Box 30783 SMB
Grand Cayman KY1-1204
Cayman Islands, British West Indies

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

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE

1. The accompanying form of ***Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 a 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*** the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, but he must, within that time, ***issue a Summons*** for a stay of execution, supported by an affidavit of 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 Acknowledgement 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.