



**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

**CAUSE NO: G                      OF 2023**

**BETWEEN:**

**GAVIN BAXENDALE**

**PLAINTIFF**

**AND:**

**FRANK PACKER**

**DEFENDANT**

---

**WRIT OF SUMMONS**

---

**TO: MR. FRANK PACKER** of Parkside Close, George Town, Grand Cayman, Cayman Islands

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff, of Turnberry Villas #2, George Town, Grand Cayman, in respect of the claims set out on the next page.

Within 14 days after service of this Writ on you counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein any intention to contest the proceedings, the Plaintiffs

may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 23<sup>rd</sup> day of February 2023.

**NOTE** this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court.

**IMPORTANT**

Directions for the Acknowledgement of service are given with the accompanying form.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

CAUSE NO: G OF 2023

BETWEEN:

GAVIN BAXENDALE

PLAINTIFF

AND:

FRANK PACKER

DEFENDANT

---

STATEMENT OF CLAIM

---

1. The Plaintiff is a Caymanian businessman.
2. The Defendant owned and operated, Titan Development Ltd (**Titan**) a construction company in the Cayman Islands.
3. In early December 2020, the Defendant approached the Plaintiff to request bridging capital. The Defendant explained that he required a temporary loan of funds for use in operating Titan.
4. The Plaintiff and Defendant verbally agreed the terms of a loan (**the Loan**) which were that;
  - a. the Plaintiff would lend the sum of CI\$ 42,935.00 (**the Loaned Sum**) to the Defendant; and
  - b. the Defendant would repay the Loaned Sum no later than 14 weeks following draw down of the funds.
5. In accordance with the terms of the party’s agreement, and at the request of the Defendant, on 9 December 2020, the Plaintiff made a payment to Titan in the amount of Loaned Sum.
6. Notwithstanding the demands of the Plaintiff, the Defendant has failed to pay the sums due under the terms of the Loan on time, or at all.
7. On 7 February 2023, the Plaintiff, by his Attorneys, served a letter by email on the Defendant, requiring repayment in full of the Loaned Sum by 21 February 2023. The Defendant failed to pay.

- 8. In the circumstances, the Plaintiff has suffered loss and damage and claims against the Defendant the sum of CI\$42,935.00 which remains due and owing.
- 9. The Plaintiff claims interest pursuant to s.34 of the Judicature Act (2021 Revision) and Judgment Debts (Rates of Interest) Rules 2012, as amended from time to time, from 17 March 2021.
- 10. The current rate being 2 <sup>3</sup>/<sub>8</sub>%, as at the date of issue of the Writ, the total amount of interest claimed is CI\$1,980.74. The amount of interest accruing each day thereafter is CI\$2.79.

**THE PLAINTIFF THEREFORE CLAIMS:**

- (a) Judgment in the sum of CI\$42,935.00
- (b) Interest; pursuant to s.34 of the Judicature Act (2021 Revision)
- (c) Costs; and
- (a) Such further and other relief as to this Honourable may seem just.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$42,935.00 together with interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

**DATED** at Grand Cayman this 23<sup>rd</sup> day of February 2023

*Nelsons*

\_\_\_\_\_  
Nelsons  
Attorneys for the Plaintiff

**THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM** is issued by Nelsons, Attorneys-at-Law, attorney for the Plaintiff, whose address for service is that of his said attorneys at 31 The Strand, P.O. Box 30069, Grand Cayman KY1-1105 Cayman Islands.

**TO:** The Clerk of the Grand Court

**AND TO:** The Defendant

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

CAUSE NO: G OF 2023

BETWEEN:

GAVIN BAXENDALE

PLAINTIFF

AND:

FRANK PACKER

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                                      No                                     

---

Service of the Writ is acknowledged accordingly

Signed .....

Attorney for the Defendant

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

Nelsons  
Attorneys at Law  
PO Box 30069  
31 The Strand  
46 Canal Point Drive  
Grand Cayman KY1-1201  
Attn: C Flanagan

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 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 495, 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**

**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.