

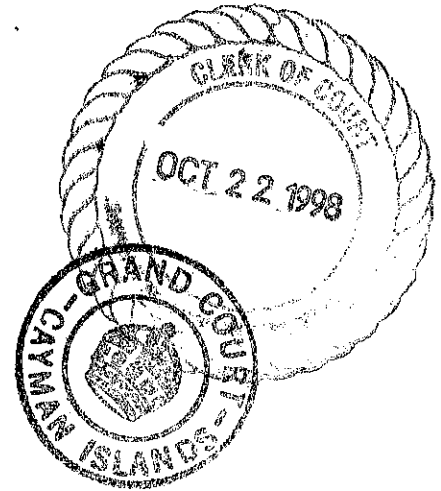
IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CIVIL JURISDICTION

CAUSE NO. ⁶⁵³ OF 1998

BETWEEN: **NERVIK & COMPANY** **PLAINTIFF**
AND: **ASHTON LEVY EBANKS** **DEFANDENT**

WRIT OF SUMMONS

TO: **Ashton Levy Ebanks**
 P.O. Box 218
 West Bay,
 Grand Cayman
 (Lives in Mount
 Pleasant area of
 West Bay on Hettie's
 Lane 5th House on the
 Right.)



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 on return to the Court Office, P.O. Box 945 George Town, Grand Cayman, 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 an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

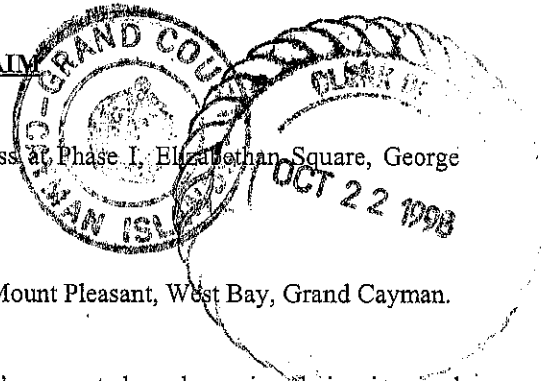
Issued this ^{22nd} day of **October** 1998.

NOTE- This Writ may not be served no later than 4calender 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM



1. The Plaintiff is a law firm having its place of business at Phase I, Elizabethan Square, George Town, Grand Cayman.
2. The Defendant operates a diving business and lives at Mount Pleasant, West Bay, Grand Cayman.
3. The Plaintiff provided legal services at the Defendant's requested, such services being invoiced under invoice number 0032/EN/1996 dated the 20th March, 1996 and invoice number 121/EN/1996 dated the 9th December, 1996 totalling the sum of C\$ 3234.50. Details of the services provided are particularised in the said feenotes.
4. The Defendant has paid to date the sum of C\$1007.00 towards the outstanding feenotes.
5. Despite numerous reminders and requests for payment in full the Defendant has failed to do so. The Defendant therefore has an outstanding balance owed to the Plaintiff in the sum of C\$2227.50.

AND THE PLAINTIFF CLAIMS: -

- 1) The sum of C\$2227.50
- 2) Interest pursuant to the Judicature Law from the date of Judgement.
- 3) Costs of this action.
- 4) Such further and other relief as this Honourable Court deems fit and proper.

Dated this 21st day of Oct, 1998.

Nervik & Company
NERVIK & COMPANY

NOTE: If, within the time for returning the Acknowledgement of Service the Defendant pays the total amount claimed of CI\$ 2227.50 costs of CI\$600.00 further proceedings will be stayed. The money must be paid to the Plaintiff.

TO: The Clerk of Courts
AND TO: The Defendant
Ashton Levy Ebanks
P.O. Box 218
West Bay,
Grand Cayman
(Lives in the Mount
Pleasant area of West Bay)

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM was issued by Nervik & Company, Attorneys-at-Law for the Plaintiff herein whose address for service is that of her said attorneys, Elizabethan Square, Phase I, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CIVIL JURISDICTION
CAUSE NO. OF 1998

BETWEEN: **NERVIK & COMPANY** **PLAINTIFF**
AND: **ASHTON LEVY BANKS** **DEFENDANT**

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF WRIT OF SUMMONS

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 and sent by post to the Law Courts, P.O. 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 endorsed 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 judgement is served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgement 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 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 his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

Notes for guidance

1. Each Defendant (if there is 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, 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 to 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 Attorneys acting for a guardian ad item.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant if 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 or principal office.

Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the space below

**Nervik & Company
Elizabethan Square,
Phase I,
George Town,
Grand Cayman**

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

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant if 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 or principal office.

Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the space below

Nervik & Company
Elizabethan Square,
Phase I,
George Town,
Grand Cayman

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