

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 689 OF 1998

BETWEEN  **CARMEN MARTINEZ**

PLAINTIFF

AND **MENARD MYLES**

DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: Menard Myles, c/o P.O. Box 1475, 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 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 Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or 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 2nd day of November 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM


1. On or about the 4th September 1998 the Plaintiff entered into an oral agreement with the Defendant whereby the Defendant agreed to sell a 1991 Geo Tracker motor vehicle to the Plaintiff at a price of CI\$ 3,000.00 which sum the Plaintiff paid to the Defendant.
2. It was always an express term of the said agreement that the defendant would effect certain repairs specifically to the steering and air conditioning systems of the said vehicle.
3. Subsequent to that agreement and to date the Defendant has failed to carry out any of the terms of the said agreement and in particular has refused to effect any of the aforementioned repairs and to transfer legal title of the said vehicle to the Plaintiff and is therefore in breach of the said agreement.
4. The Defendant has failed to return the aforementioned sum despite numerous demands by the Plaintiff.

AND THE PLAINTIFF CLAIMS:

1. The sum of CI\$3,000.00.
2. Interest thereon pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rate of Interest) Rules 1996 or such other rate as this Honourable Court deems just.
3. Costs.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$3,881.25 including interest and costs, further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorneys.

Dated this 2nd day of November 1998
Filed this 2nd day of November 1998.


Samson Murray Jackson
Plaintiff's Attorneys-at-Law

THIS SPECIALLY ENDORSED WRIT OF SUMMONS was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of her said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1998

BETWEEN CARMEN MARTINEZ PLAINTIFF
AND MENARD MYLES DEFENDANT

ACKNOWLEDGEMENT 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 is 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 to set it aside.

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

2. State whether the Defendant intends to contest the proceedings (tick the 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

Service of the Writ is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in person]

Address for service:

Notes on address for service

Please complete overleaf

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 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 office.

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

SAMSON MURRAY JACKSON
Attorneys-at-Law
The Ground Floor (West Wing)
Sigma Building
Smith/Hospital Roads, 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 box below: