



**SUMMARY COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. SC OF 2023**

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**ADAM LLEWELLYN**  
**As Administrator of the Estate of**  
**Kathleen Anita Whittaker, Deceased**

**PLAINTIFF**

**AND**

**TREY CORNWALL**

**DEFENDANT**

**PLAINT**

To the Defendant

Trey Cornwall 122A Rock Hole George Town Grand Cayman
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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 *Plaint* on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating 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 Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for default Judgment without any further notice to you.

Issued this      day of      2023


*See overleaf for particulars.*

PARTICULARS OF CLAIM

1. The Plaintiff was at all material times the Administrator of the Estate of the Kathleen Anita Whittaker (Deceased)
2. The said Estate consists of property, with dwellings thereon, located at 122A Rock Hole, George Town, Grand Cayman, more particularly described as Registration Section George Town Central Block 14CF Parcel 41.
3. The Defendant was at all material times the son of a resident on the said property.
4. In keeping with his duties as the Administrator of the Estate and property the Plaintiff has encountered frequent interferences and threats of violence from the Defendant
5. The Plaintiff has made a number of reports to the Central Police Station in respect of the conduct of the Defendant.
6. Police Officers from the said Police Station have attended at the said premises on occasions and spoken to the Defendant and warned him not to interfere with the Plaintiff as he goes about his lawful business in carrying out his duties as Administrator of the Estate, but the Defendant has failed to abide by the said warnings and continues with his unlawful conduct to the Plaintiff.
7. On or about the 17<sup>th</sup> day of July 2023 the Plaintiff engaged the services of a firm of Attorneys-at-Law to write to the Defendant and demand that he cease his said conduct.
8. The said letter was served on the Defendant on the 20<sup>th</sup> of July 2023, but the Defendant has consistently failed to abide by the demand in the said letter for him to cease and desist in his unlawful conduct.

AND THE PLAINTIFF THEREFORE CLAIMS:

- (a) An Injunction barring the Defendant from interfering with or threatening the Plaintiff as he goes about his lawful business.
- (b) Costs on an indemnity basis or such other basis as the Court deems just in the circumstances.
- (c) The endorsement of a Penal Code in respect of the injunction sought herein.

  
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 Murray & Westerborg  
 Attorneys-at-Law for the Plaintiff  
 18.10.2023

Plaintiff's address for service:

Murray & Westerborg  
The Second Floor (South West Wing)  
Cayman Shipping Centre Building  
10 Shipping Lane  
George Town, Grand Cayman



**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).

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Defendant's Signature

**REMINDER -**

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

## Acknowledgment of service of Plaintiff

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF PLAINT

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 complete and serve the Particulars of Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Plaintiff, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the Particulars of Defence are not filed and served within 14 days of the time for acknowledging receipt of the Plaintiff.
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 seek time to pay the claim or 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 or seeking time to pay, 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.