



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2024

BETWEEN	ALPHA HEAD LIMITED	PLAINTIFF
AND	HALBURN DUNBAR	DEFENDANT

WRIT OF SUMMONS

TO: HALBURN DUNBAR of 242 Powell Smith Road, P.O. Box 903, West Bay, Grand Cayman, KY1-1103, Cayman Islands.

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 or return to the Court office, PO 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 to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of 2024

NOTE – This Writ may not be served later than four calendar months (or, if leave is required to effect service out of the jurisdiction, six 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.

GENERAL ENDORSEMENT

The Plaintiff's claim is for an Order that the Defendant shall vacate, and give the Plaintiff vacant possession of a portion of Registration Section George Town Central, Block 14BG, Parcel 107 which is the subject of the Lease (as defined below) (**Property**) and of which the Plaintiff is the registered proprietor.

By way of lease agreement dated 1 December 2022, the Plaintiff leased the Property to the Defendant, from 15 December 2022 to 14 December 2023, for a rent of CI\$1,800.00 per month (**Lease**).

On 1 November 2023, the Plaintiff informed the Defendant that the Lease would not be renewed and requested that the Defendant vacate the Property upon the expiry of the Lease. The notice to vacate the Property was ultimately extended until 31 March 2024.

The Defendant had failed to vacate the Property on 31 March 2024 and thereafter, despite further demands. Accordingly, the Plaintiff claims vacant possession of the Property.



APPLEBY (CAYMAN) LTD.

THIS WRIT was issued by Appleby (Cayman) Ltd., of 9th Floor, 60 Nexus Way, PO Box 190, Camana Bay, Grand Cayman KY1-1104, Cayman Islands (Ref. 453750.0001/AJ/ZF), Attorneys-at-Law for the Plaintiff whose address is c/o Appleby Global Services (Cayman) Limited, 71 Fort Street, PO Box 500, Grand Cayman, KY1-1106, Cayman Islands.

NO. 8**Acknowledgment of Service of Writ of Summons (O.12, r.3)****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 495G, 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

Please complete overleaf

Notes for Guidance

4. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
5. 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.
6. 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)".
7. 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.
8. 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.
9. 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.
10. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
11. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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

12. State whether the Defendant intends to contest the proceedings (tick appropriate box)

YES

NO

13. 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

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

<p>Appleby (Cayman) Ltd. 9th Floor, 60 Nexus Way, PO Box 190, Camana Bay, Grand Cayman KY1-1104, Cayman Islands</p> <p>Ref. 453750.0001/AJ/ZF</p>
--

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

--