

IN THE GRAND COURT OF THE CAYMAN ISLANDS

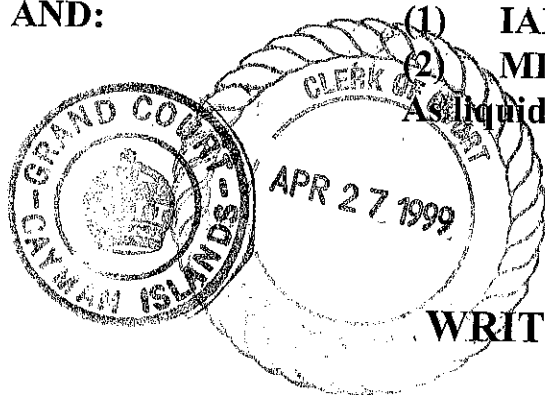
CAUSE NO 276 OF 1999

**BETWEEN:** THE CAYMAN OVERSEAS GROUP LIMITED

**PLAINTIFF**

**AND:** (1) IAN WHITE  
(2) MICHAEL PILLING  
As Liquidators of FIRST CAYMAN BANK LTD

**DEFENDANTS**



**WRIT OF SUMMONS**

**TO THE DEFENDANTS:**

Mr. Ian White & Mr. Michael Pilling  
c/o P O Box 1787 GT  
Grand Cayman  
B.W.I.

**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, 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 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 27th day of April, 1999.

**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.

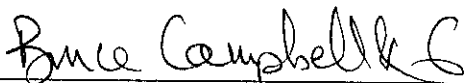
**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

## ENDORSEMENT

The Plaintiff's claim is for the following:-

1. A Declaration that the Plaintiff is not bound and is under no liability arising from its submission of a conditional offer to purchase the property at West Bay South Block 13B Parcel 59 known as the First Cayman Bank building ("the Property") on or around the 23<sup>rd</sup> August 1998 and the Defendants acceptance of that conditional offer on or around 16<sup>th</sup> November 1998.
2. An Order that the Defendants pay to the Plaintiff the sum of US\$100,000.00 paid as a deposit by the Plaintiff in respect of the Property.
3. Interest on the aforesaid sum of US\$100,000.00 pursuant to Section 34 of the Judicature Law at the rate of 7 7/8 % from the date hereof at the daily rate of US\$21.58 per day thereafter.
4. Costs.

  
\_\_\_\_\_  
**BRUCE CAMPBELL & CO**  
Attorneys at Law for the Plaintiff herein

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**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.

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

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3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)  
 yes  no

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4. 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

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Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

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.

Respondent 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.*

**Bruce Campbell & Co. (Ref:JRM)**  
**P.O. Box 884**  
**4th Floor, Bank of Nova Scotia Building**  
**George Town**  
**Grand Cayman.**  
**Tel: 345 949 2648**  
**Fax:345 949 8613**

*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 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*