

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ³⁸¹ OF 1999

BETWEEN:

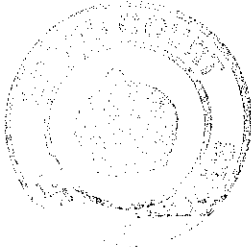
COLLINS BROADHURST & FURNISS (a firm)

Plaintiff

-and-

RICARDO FORBES

Defendant



WRIT OF SUMMONS



TO: Ricardo Forbes
P.O. Box 1536 GT
Grand Cayman, Cayman Islands
British West Indies

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 Acknowledgement 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 17th day of June, 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.

STATEMENT OF CLAIM

1. The Plaintiff is a law firm in the Cayman Islands.
2. The Defendant is an individual residing in the Cayman Islands.
3. In or about of May of 1998, the Defendant retained the Plaintiff to represent and advise him in a matter involving a potential claim made on the behalf of a Marcella Bodden.
4. In or about December of 1998 and March of 1999, the Defendant personally retained the Plaintiff to provide advice and legal services relating to enforcement proceedings against a principal of a company for which the Defendant was a director and officer.
5. It was an express or, further and in the alternative, an implied term of the Retainers described above in paragraphs 3 and 4 that:
 - a. The Plaintiff would provide the legal services required by the Defendant in the matter;
 - b. The Defendant would pay the Plaintiff's fees calculated on the basis of the Plaintiff's usual hourly rate for the attorney employed by the Plaintiff. Prior to the Defendant retaining the Plaintiff, the Defendant was advised by the Plaintiff of the hourly rates of the member of the firm which was expected to work on the file;
 - c. The Defendant would provide instructions as required;
 - d. The Defendant would promptly pay the Plaintiff's invoices upon the Plaintiff rendering same.
6. The Plaintiff rendered invoices from time to time as services were provided in relation to the above stated retainers.
7. The Defendant has refused to pay outstanding accounts totaling \$2,667.50 and is accordingly indebted to the Plaintiff in this sum.
8. The Plaintiff complied with its duties under the agreement set out above and provided the Defendant with legal services in a professional and timely manner.

9. The Plaintiff has demanded payment of the invoices but the Defendant has refused to make payment.
10. The Plaintiff also claims prejudgment interest from the date of the issuance of this proceeding being June 17, 1999.

AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT:

- A. The sum of C\$2,667.50;
- B. Pre-judgment interest upon the said sum pursuant to The Judicature Law (1995 Revision);
- C. Post-judgment interest upon the said sum pursuant to The Judicature Law (1995 Revision);
- D. Such further and other relief that this Honourable Court may deem just or appropriate.
- E. Costs as taxed.

Dated the 17th of June, 1999

COLLINS BROADHURST & FURNISS
Attorneys-at-Law for the Plaintiff.

INDORSEMENT

The amount claimed in respect of the debt or demand is C\$2667.50. The amount of the fixed costs is C\$500.00 and the costs of issuing the writ of summons is C\$100.00. If, within the time for returning the acknowledgement of service, the defendant pays the plaintiff or its attorneys-at-law the total amount claimed in principal and interest, the fixed costs and the costs of issuing the writ of summons, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

STATEMENT REGARDING INTEREST

- i. The prescribed rate of interest, throughout the relevant period, was 7 per cent per year;
- ii. The date from which interest is calculated is June 17th, 1999;
- iii. The total interest claimed as at the date of the issue of the writ of summons is \$0.00;
- iv. The amount of interest accruing each day following the issue of the writ is \$0.51.

This Writ of Summons and Statement of Claim was issued by Collins Broadhurst & Furniss, the attorneys-at-law for the plaintiff, whose address for service is P.O. Box 2503 GT, George Town, Grand Cayman, Cayman Islands, British West Indies.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ³⁸¹ OF 1999

BETWEEN:

COLLINS BROADHURST & FURNISS (a firm)

Plaintiff

-and-

RICARDO FORBES

Defendant

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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.
2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

Yes

No

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intent to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff.

Yes

Service of the Writ of Summons and Statement of Claim is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in Person]

Address for Service:

Notes on address for service

Attorney: when 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 Island, 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 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:

Collins Broadhurst & Furniss
Attorneys-at-Law
40 Linwood Street
P.O. Box 2503 GT
Grand Cayman, Cayman Islands

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. 495GT, 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 Acknowledgement 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 installments or otherwise.

See next page for notes for guidance.

Please complete next page

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessarily (although not necessarily in an adversarial manner) you should tick the "Yes " box in paragraph 2 of the acknowledgment of service.
3. 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.
4. Where the Defendant is used 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 Originating Summons)".
5. 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.
6. 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.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf for the Company, but the Company cannot take any further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office