



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO.

B E T W E E N:

KATHLEEN ELISABETH ROBERTS
as executor of the Estate of David Merlin Lloyd Roberts

Plaintiff

- and -

(1) NCB HOMES LTD
(2) MATTHEW WIGHT
(3) IAN WIGHT
(4) NAUL BODDEN

Defendants

WRIT OF SUMMONS

TO: (1) **NCB HOMES LTD** of c/o International Corporation Services Ltd, 2nd Floor, Harbour Place, 103 South Church Street, George Town, Grand Cayman and to (2) **MATTHEW WIGHT**, (3) **IAN WIGHT** and (4) **NAUL BODDEN** all of One Capital Place, 136 Shedden Road, George Town, Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of c/o KSG Attorneys Ltd, 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman in respect of the claims 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 Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands 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 Acknowledgement without stating therein any intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 16th day of September 2026

NOTE this Writ may not be served later than four calendar months beginning with the date of original issuance (or six months if leave to serve out of the jurisdiction is required) unless renewed by order of the Court

IMPORTANT

Directions for the Acknowledgement of service are given with the accompanying form.

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Defendants

STATEMENT OF CLAIM

1. The Plaintiff is the widow of David Merlin Lloyd Roberts, deceased (the "**Lender**"), who died on 5 April 2025. By a Grant of Probate dated 18 June 2025 the Plaintiff was appointed executor of the Lender's estate.
2. The First Defendant ("**Borrower**") is a resident company incorporated in the Cayman Islands on 4 October 2007 with company number 196531 whose registered office is at c/o International Corporation Services Ltd, 2nd Floor, Harbour Place, 103 South Church Street, George Town, Grand Cayman.
3. The Second, Third and Fourth Defendants (the "**Guarantors**") are each directors of the First Defendant.
4. On or about 21 April 2023 the Lender loaned to the Borrower the sum of US\$100,000 (one hundred thousand United States dollars) (the "**Loan**") upon

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by KSG Attorneys on behalf of the Plaintiff whose address for service is that of his attorneys at KSG Attorneys 4th Floor, One Capital Place 136 Shedden Road, George Town, Grand Cayman, Cayman Islands.

terms set out in a Promissory Note dated 20 April 2023 (the "**Note**") to which the Plaintiff will refer at trial for its full terms and effect.

5. The Note contained inter alia the following provisions:
 - a. The Loan was repayable in full on 20 April 2024 (the "**Repayment Date**").
 - b. Interest payments calculated at 12% per annum for the first two months and 9% per annum for the following ten months would be payable by the Borrower on the 21st day of each month up to the Repayment Date. Details of the interest payments payable were set out in a schedule annexed to the Note.
 - c. The Borrower was liable to pay all legal costs incurred by the Lender resulting from any action based on the Note, on a full indemnity basis.
 - d. In the event of any late payment the Borrower would be liable to pay a penalty fee of US\$250 per day in respect of each defaulted payment until payment was received in full.
 - e. Each of the Guarantors personally guaranteed payment of all sums due to the Lender by the Borrower including any interest, penalty fees and legal costs, upon 7 days' notice of default.
6. The Borrower duly made payment of the interest payments prescribed by the Note but failed to make repayment of the Loan by the Repayment Date or at all.
7. By letter dated 14 July 2026 from her attorneys KSG, the Plaintiff made demand on the Borrower and gave notice of default to each of the Guarantors, in respect of the sum then due, being US\$303,500, comprising the Loan together with penalty fees from 20 April 2024 through to 14 July 2026. Neither the Borrower nor the Guarantors has made any payment in response to this demand.
8. As at the date hereof the amount due under the terms of the Note is US\$319,500.
9. The Plaintiff claims penalty fees in lieu of interest continuing to accrue at the rate of US\$250 per day until judgment or sooner payment.

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by KSG Attorneys on behalf of the Plaintiff whose address for service is that of his attorneys at KSG Attorneys 4th Floor, One Capital Place 136 Shedden Road, George Town, Grand Cayman, Cayman Islands.

10. Further or in the alternative the Plaintiff claims interest pursuant to statute at such rate and for such period as the Court may determine.

AND THE PLAINTIFF CLAIMS

1. The said sum of US\$319,500 (three hundred and nineteen thousand and five hundred United States dollars).
2. Penalty fees pursuant to the terms of the Note continuing to accrue at the rate of US\$250 per day until judgment or sooner payment.
3. Further or in the alternative interest to be assessed.
4. Further or other relief.
5. Costs

DATED at Grand Cayman this 16th day of September 2026



KSG Attorneys
Attorneys for the Plaintiff

TO: The Clerk of the Grand Court

AND TO: The Defendants

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Defendants

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 the proceedings (tick appropriate box)

☐

Yes

☐

No

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by KSG Attorneys on behalf of the Plaintiff whose address for service is that of his attorneys at KSG Attorneys 4th Floor, One Capital Place 136 Shedden Road, George Town, Grand Cayman, Cayman Islands.

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

☐

No

Service of the Writ is acknowledged accordingly

Signed

Attorney for

Address for service:

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

KSG Attorneys
4th Floor, One Capital Place
136 Shedden Road
George Town
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.

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by KSG Attorneys on behalf of the Plaintiff whose address for service is that of his attorneys at KSG Attorneys 4th Floor, One Capital Place 136 Shedden Road, George Town, Grand Cayman, Cayman Islands.

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 495, 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

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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.

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