

IN THE GRAND COURT OF THE CAYMAN ISLANDS

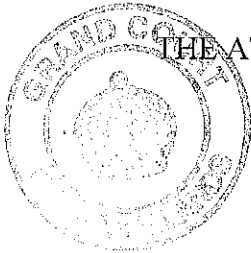
CAUSE NO. 498 OF 1999

BETWEEN:

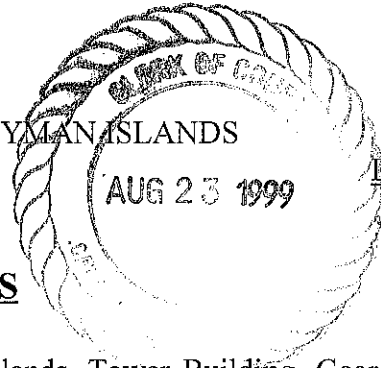
ALFRED LAWRENCE THOMPSON (Senior)

Plaintiff

- and -



THE ATTORNEY-GENERAL OF THE CAYMAN ISLANDS



Defendant

WRIT OF SUMMONS

TO: The Honourable the Attorney-General of the Cayman Islands, Tower Building, George Town, Grand Cayman, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you as the representative for The Crown/Highway Authority of the Cayman Islands, pursuant to the Crown Proceedings Law (1997 Revision) section 11, by the above-named Plaintiff in respect of the claim set out on the following pages.

WITHIN 14 DAYS after service of this Writ on you, counting the day of service, the Crown must either satisfy the claim or you on behalf of the Crown must return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether the Crown intends to contest these proceedings.

IF YOU on behalf of the Crown FAIL to satisfy the claim or to return the Acknowledgment of Service 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 on behalf of the Crown forthwith without further notice.

ISSUED this 23rd day of August 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.

THIS WRIT was issued by Boxalls, Attorneys at Law for the Plaintiff, whose address for service is CIBC Financial Centre, PO Box 1234, George Town, Grand Cayman, Cayman Islands, B.W.I.

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STATEMENT OF CLAIM

1. The Plaintiff is the registered proprietor of the land known as Parcel 60 REM 3 in Block 12E in the West Bay Beach South Registration Section of Grand Cayman.
2. The Defendant is sued pursuant to section 11 of the Crown Proceedings Law (1997 Revision) as the representative of The Crown/The Highway Authority of the Cayman Islands.
3. The Highway Authority acting pursuant to section 3 of the Roads Law (Revised) gazetted a Declaration on 21st October 1997 of intention to take 0.24 acres of the Plaintiff's said land and the Highway Authority subsequently did take the said 0.24 acres pursuant to section 6 of the Roads Law. The Highway Authority invited the Plaintiff to apply for compensation for the said land taken from him by letter of 28th October 1997.
4. The Plaintiff applied, pursuant to sections 8 and 9 of the Roads Law, to the Highway Authority by written application dated 18th November 1997 for compensation for the 0.24 acres of his land taken.
5. The Highway Authority offered to fully and finally settle the Plaintiff's said claim for compensation under section 10(1) of the Roads Law by a written offer to the Plaintiff contained in letters dated 4th and 8th December 1997 whereby the Plaintiff was invited to accept CI\$560,000.00 plus his reasonable professional fees. The Plaintiff accepted the Highway Authority's said offer and on 9th December 1997 he:
 - (a) as requested by the Highway Authority, signed a copy of the Highway Authority's written offer to confirm his acceptance of it and returned same to the Highway Authority;

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- (b) by his agent J. D. MacIntosh communicated to the Highway Authority that the amount of professional fees incurred and payable pursuant to the agreement was CI\$1,000.00.
6. Despite numerous demands from the Plaintiff to the Highway Authority and other officers of The Crown the Highway Authority/Crown has in breach of the aforesaid agreement failed and refused to pay the agreed compensation of CI\$561,000.00 to the Plaintiff and the said sum is a debt due and owing to the Plaintiff by the Crown.
7. Further, the Plaintiff is entitled to and claims interest on the said debt of CI\$561,000.00 pursuant to section 34 of the Judicature Law (1995 Revision) from 1st January 1998 as follows:
- | | |
|---|----------------------------|
| (a) from 1 st January 1998 to 1 st February 1998 at
the rate of 7.375% per annum | CI\$3,513.93 |
| (b) from 1 st February 1998 to the date hereof (23/8/99)
at the rate of 7.875% per annum | <u>CI\$68,750.72</u> |
| | Total <u>CI\$72,264.65</u> |
- (c) and continuing until judgment or sooner payment at the rate of CI\$121.04 per day.

And the Plaintiff claims:-

- (1) CI\$561,000.00;
- (2) interest as aforesaid;
- (3) Further or other consequential relief as the Court may determine;

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- (4) The fees paid to issue the writ herein of CI\$3,305.00;
- (5) Costs.



Boxalls

Attorneys for the Plaintiff

Dated this 23rd day of August 1999

Filed this 23rd day of August 1999

This Statement of Claim is filed by Boxalls, Attorneys for the Plaintiff, whose address for service is 3rd Floor, CIBC Financial Centre, P.O. Box 1234, George Town, Grand Cayman, Cayman Islands, B.W.I.