

No. 1

**Writ of Summons (0.6, r.1)**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No: **37** of 2000

BETWEEN: THE ATTORNEY-GENERAL

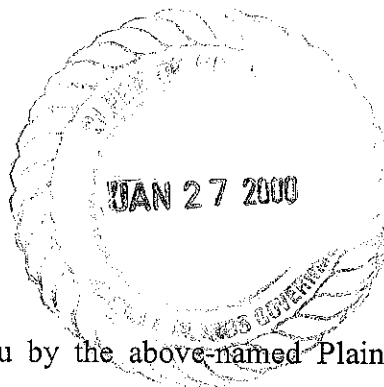
PLAINTIFF

AND: JAMES COXE

DEFENDANT

WRIT OF SUMMONS

TO:  
JAMES COXE  
P. O. BOX 89  
GEORGE TOWN  
GRAND CAYMAN



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 495 GT, George Town, Grand Cayman, the accompanying Acknowledgment 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 of January, 2000

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 claims CI\$4908.91 from the Defendant for Returned Cheques.
2. On October 17<sup>th</sup> 1997 the Defendant wrote a cheque to the Cayman Islands Government in the amount of US\$4161.00 (CI\$3412.02) this cheque was returned unpaid by the bank thereby incurring an administrative fee of CI\$25.00.
3. On 9<sup>th</sup> December 1997 the Defendant wrote a cheque to the Cayman Islands Government in the amount of US\$1747.00 (CI\$1432.54) this cheque was returned unpaid by the bank thereby incurring an administrative fee of CI\$25.00.
4. On 15<sup>th</sup> December 1997 the Defendant wrote a cheque to the Cayman Islands Government in the amount of US\$380.74 (CI\$312.20) this cheque was returned by the bank unpaid thereby incurring an administrative charge of CI\$25.00. Bringing the total amount owed to CI\$5231.76.
5. The Defendant subsequently paid for the cheque US\$380.74 (CI\$312.20) and CI\$10.65 Of the administrative charges for that cheque, leaving a balance owing of CI\$4,908.91.
6. The Treasury Debt Collector wrote to the Defendant requesting payment but this debt remains unpaid.

AND THE PLAINTIFF claims:

1. The sum of CI\$4908.91.
2. Fixed cost of CI\$250.00, alternatively costs to be assessed.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed further proceedings will be stayed. The money must be paid to the Plaintiff.

  
On behalf of the Attorney-General

THIS WRIT was issued by The Attorney-General whose address for service is  
c/o The Treasury Department, Government Administration Building, George Town,  
Grand Cayman.

Acknowledgment of service of writ of summons (O.L. 1.3)

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

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.

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 37 of 2000

BETWEEN: THE ATTORNEY-GENERAL

PLAINTIFF

AND: JAMES COXE

DEFENDANT

ACKNOWLEDGMENT OF SERVICE

1. State Defendant's name and address -

JAMES COXE  
3010-16026

2. State whether the Defendant intends to contest the action.

Yes

No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4. If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

\_\_\_\_\_  
Defendant's Signature

Issued this            day of

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

\_\_\_\_\_  
Defendant's Signature

**REMINDER -** This form must be taken or sent to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.