

No.1

Writ of summons (0.6, R.1)

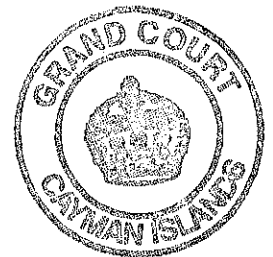
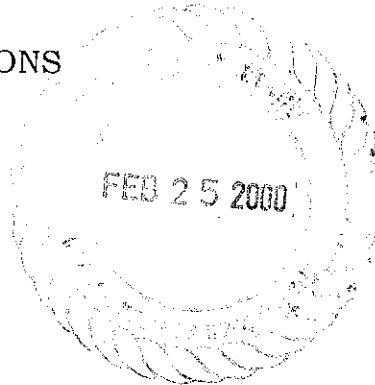
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 94 OF 2000

BETWEEN KEITH COLLINS PLAINTIFF
AND JOHN COLLINS DEFENDANT

WRIT OF SUMMONS

TO: John Collins
76 Woodland Drive
Lower Valley
Grand Cayman
Cayman Islands



THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff in respect of the claim set out on the following page.

Within fourteen (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. Box495 G.T. Grand Cayman the accompanying acknowledgement of service form stating therein whether you intend to contest these proceedings or not.

If you fail to satisfy the claim or return the acknowledgement within the time stated or if you return the acknowledgement 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 th 25 day of Feb. 2000

NOTE - This writ may not be served later than 4 calendar months (or if leave is required for service out of the jurisdiction 6 months) beginning with the date of issue unless renewed by order of the court.

IMPORTANT

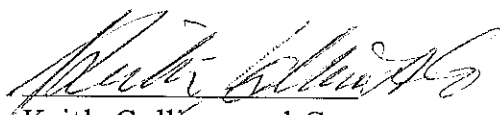
Directions for acknowledgement of service are given with the accompanying form.

STATEMENT OF CLAIM

1. By contract dated 16th January 1998 The Defendant agreed for valid consideration (receipt of which he acknowledged) to grant to the Plaintiff an easement consisting of a right of way over Registration Section West Bay North East Block 9A Parcel 18 in favour of Parcels 14, 15, 16 and 17 which he has failed to do.

AND THE PLAINTIFF CLAIMS

1. Specific performance
2. Damages.
3. A claim for costs.



Keith Collins and Co.

THIS WRIT was issued by Keith Collins & Co Attorneys at law whose address for service is Elizabethan Square P.O. Box 2250 G.T. Grand Cayman Cayman Islands

BETWEEN KEITH COLLINS PLAINTIFF
A N D JOHN COLLINS DEFENDANT

ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you give him or her 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/she 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 as appropriate)

Yes

No

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 appropriately)

Yes

Service of the writ is hereby acknowledged

Signed

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

KETIA COLLINS & LO
ELIZABETHAN SQUARE
P.O. BOX 2850 G.C.
GRAND CAYMAN

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

Acknowledgment of service of writ of summons (O.12, r.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.