

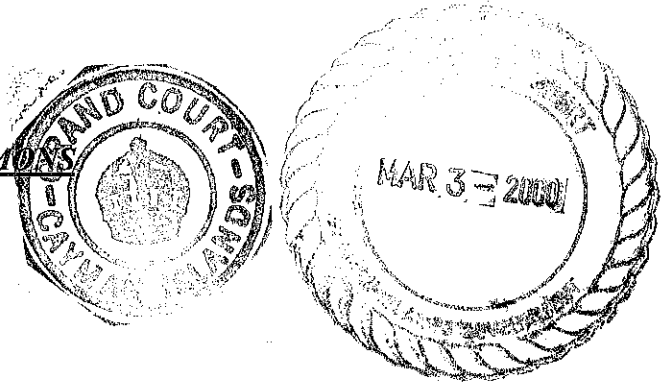
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 136 OF 2000

BETWEEN A. R. SCOTT LTD. PLAINTIFF

AND ROBERT OOSTERWYK DEFENDANT

WRIT OF SUMMONS



**TO: Mr. Robert Oosterwyk
Canal Point/ Bruce Campbell & Co
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 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 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 judgement may be entered against you forthwith without further notice.

Issued this 3rd day of March 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 Acknowledgement of Service are given with the accompanying form.

INDORSEMENT

The Plaintiff claims against the Defendant to recover the sum of CI\$7,612.09 plus interest, damages and costs thereon for building repair work carried out by the Plaintiff at the instance of and under contract with the Defendant at premises located at Canal Point, George Town, Grand Cayman.



SAMSON MURRAY JACKSON (HDM)
Attorneys-at-Law for the Plaintiff.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of \$8,4000.53 (including interest and cost) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-La, for and on behalf of the Plaintiff, whose address for service is that of their said Attorneys-at-Law, The Ground Floor, (West Wing) Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 136 OF 2000

BETWEEN A. R. SCOTT LTD. PLAINTIFF

AND ROBERT OOSTERWYK DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff is a limited liability company registered under and in accordance with the Company Law of the Cayman Islands with its Registered Office situate at Ritch & Conolly, George Town, Grand Cayman and was at all material times engaged in the business of constructing and repairing buildings on premises.
2. The Defendant is a resident of the Grand Cayman Island and at all material times represented himself as the owner and/or occupier of premises located on Canal Point in George Town, Grand Cayman.
3. The Defendant in or around April 1998 contracted with the Plaintiff to carry out certain construction and decorative repairs and installation to a home purportedly owned and/or occupied by the Defendant.
4. That it was a term of the said contract that the Plaintiff would bill the Defendant on an ongoing basis for work undertaken by the Plaintiff on the Defendants behalf under the said contract and the Defendant would pay the said bill(s) on presentation or shortly thereafter.
5. That on or about the 11th day of October 1998 and in accordance with the said contract the Plaintiff presented to the Defendant, for his honouring, a bill in the sum of CI\$7,750.53.
6. Further, that the Defendant, in breach of the contract, failed to fully honour the said bill by refusing to pay the labour costs of CI\$5,415.00 and continues to refuse to pay the same.
7. That on or about the 22nd day of November 1998 and 14th day of December 1998 the Plaintiff, pursuant to the said contract, presented bills for work done to the Defendant in the respective sums of CI\$1,192.09 and CI\$1,005.00.
8. That in breach of the aforesaid contract the Defendant failed to honour the said bills and continues to refuse to pay the same.

9. That by reason of the foregoing, the Plaintiff has suffered loss and damage.

Particulars of Special Damages

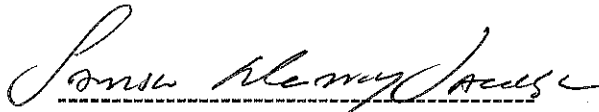
Work completed under bill presented 11 th October 1998	CI\$5,415.00
Work completed under bill presented 22 nd November 1998	CI\$1,192.09
Work completed under bill presented 14 th December 1998	<u>CI\$1,005.00</u>
	CI\$7,612.09

10. Further, the Plaintiff claims interest upon the said sum as from the 11th date of October 1998 at such applicable rate under the Grand Court Rules.

AND THE PLAINTIFF CLAIMS:

1. The sum of CI\$7,612.09;
2. Interest at the rate of 8.38% per annum;
3. Costs.

Dated the 12th day of January 2000
Filed the day of 2000



SAMSON MURRAY JACKSON
Attorneys-at-Law for the Plaintiff

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 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 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 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 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:

SAMSON MURRAY JACKSON
Attorneys-at-Law
The Ground Floor (West Wing) Sigma Bldg.
Smith/Hospital Roads, George Town
PO Box 10067APO, 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: