

IN THE GRAND COURT OF THE CAYMAN ISLANDS

584
CAUSE NO. OF 2000

IN THE MATTER OF SECTION 16 OF THE GRAND COURT LAW

AND IN THE MATTER OF SECTIONS 13 AND 14 OF THE MENTAL HEALTH
LAW

BETWEEN: RICKY LAWRENCE POWELL PLAINTIFF

AND: LAWRENCE MARSEY POWELL DEFENDANT

ORIGINATING SUMMONS

By this Summons, which was issued on the application of RICKY LAWRENCE POWELL, OF BODDEN TOWN, GRAND CAYMAN, the Plaintiff seeks the determination of the following matters, namely:

1. That Ricky Lawrence Powell, the son of the Defendant, be appointed guardian of the Defendant.
2. That the said guardian has the duty, charge and custody of the Defendant and the power to delegate such charge to a competent and capable person.
3. That Ricky Lawrence Powell also be appointed receiver for the Defendant.
4. That the said receiver has the following powers:
 - (i) to call in and control any property of the Defendant;
 - (ii) to sell acquire, exchange, charge or otherwise dispose of or deal with any property on behalf of the Defendant;
 - (iii) to reimburse out of the Defendant's property, with or without interest, any money applied by any person either in payment of the Defendant's debts or for the maintenance or benefit of the Defendant;
 - (iv) to enter into any settlement.
5. That the receivers need not deliver accounts to this Honourable Court.
6. That there be liberty to apply for further directions.



Dated the 13 day of July 2000.

Samson Murray Jackson
SAMSON MURRAY JACKSON
Attorneys-at-Law for the Plaintiff

NOTE – This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons was issued by Samson Murray Jackson, Attorneys-at-law for the Plaintiff, whose address for service is that of his said Attorneys-at-Law, Sigma Building, First Floor, at the junction of Smith and Hospital Roads.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of *Acknowledgement of Service* should be completed by an Attorney acting on behalf of 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.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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 Originating 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 individual 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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AND: LAWRENCE MARSEY POWELL DEFENDANT

**ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes

No

Service of the Originating Summons is acknowledged accordingly

(Signed).....

Attorney for the Defendant or

The Defendant in person

Address for service:

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 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 and Notary
Public
Sigma Building (West Wing)
P.O. Box 10067 APO
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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2000

BETWEEN: RICKY LAWRENCE POWELL PLAINTIFF
AND: LAWRENCE MARSEY POWELL DEFENDANT

AFFIDAVIT IN SUPPORT

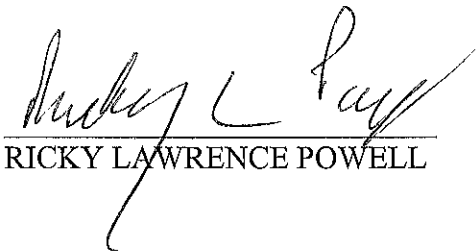
I, **RICKY LAWRENCE POWELL**, of Bodden Town, Grand Cayman, being duly sworn, make oath and say as follows:-

1. That I am the Plaintiff herein and I hereby depose in support of the summons hereto.
2. That I am the only child of Mr. Lawrence Marcey Powell, the Defendant herein. The Defendant was predeceased by his wife, my mother, Mrs. Mavis Virginia Powell, who died on the 4th August, 1994. There is annexed hereto a death certificate pertaining to the late Mrs. Mavis Virginia Powell, which is labelled "RP1".
3. That the Defendant is physically and mentally incapacitated, is incapable of managing his financial and other affairs, and he has ongoing financial and other obligations, arising largely from his own medical costs.
4. That the Defendant earns no income from work, however he receives a pension from the Cayman Islands Government in the amount of C\$700.00 per month.
5. That property owned by the Defendant, including his home, is in need of maintenance. He has no means to do so.
6. That in order to adequately meet the costs of the Defendant's ongoing upkeep and care, it would be necessary for me to be able to deal with of his property whether by sale or otherwise.
7. That the Defendant suffers from dementia. A medical report by Dr. H. Hughes MBGB is annexed hereto, and is labelled "HH1".
8. That in the premises I crave an order in terms of the ex-parte originating summons herein.

SWORN to at George Town, Grand Cayman)

this 13 day of July 2000)

before me:-)


RICKY LAWRENCE POWELL

JUSTICE OF THE PEACE / CLERK OF THE COURTS

C.I. Health Services Department
P.O. Box 915
George Town,
Grand Cayman

Tel: (345) 949-8600
Fax: (345) 949-2998



CAYMAN ISLANDS

25th May 2000

To whom it may concern,

Re: Lawrence Powell D.O.B. 27/6/26

I examined Mr Lawrence Powell at home on 23rd March 2000. He suffers from dementia. He is bed bound and no longer to physically care for himself or mentally capable of making decisions for himself.

Yours sincerely

Dr. A Hughes

MBCB.

**CAYMAN ISLANDS
DEATH REGISTRATION FORM**

DEATH IN THE DISTRICT OF: George Town

No. 1994PA74

<p>Place of Death: <u>George Town, Grand Cayman, Cayman Islands</u></p>	<p>Usual Residence of Deceased: <u>Bodden Town, Grand Cayman, Cayman Islands</u></p>
<p><i>Particulars of Deceased</i> Date of Death: <u>4 August 1994</u> Full Name: <u>Mavis Virginia Powell</u> Sex: <u>Female</u> Condition: <u>Married</u> Age: <u>71</u> Years — <u>—</u> Months — <u>—</u> Days Occupation or Calling: <u>Housewife</u> Birthplace: <u>Grand Cayman, Cayman Islands</u></p>	<p><i>Cause of Death</i> I. (a) <u>Massive Subarachnoid Haemorrhage</u> (b) due to <u>Ruptured Berry Aneurysm</u> (c) due to <u>—</u> II. (Contributory) <u>Diabetes Mellitus</u> Certified by: <u>Gladapo J. Obafunwa</u> Qualification: <u>MRCPath</u></p>
<p><i>Informant</i> Name: <u>Iris Smith</u> Relationship to Deceased: <u>Sister</u> Signed in my presence by the said informant (or) Entered by me from the particulars of a certificate received from (Witness) <u>Dr. O. J. Obafunwa</u> Date: <u>5 September 1994</u></p>	<p><i>Registrar's Certificate</i> Residence: <u>Bodden Town, Grand Cayman Islands</u> Signed: <u>Yeulia Ebanks</u> <u>REGISTRAR</u></p>

