





## STATEMENT OF CLAIM

1. The Plaintiff is a class "A" Bank licensed to carry out Commercial Banking Business within the Cayman Islands.
2. The Defendant is believed to be the principal of a Company called Russell's Top Job, which was struck off the register on 29th September 1995 ("the Company").
3. On or about the 28th May 1992, the Plaintiff agreed to increase the Company's credit facility and extend the sum of CI\$30,000.00 to the Defendant. The security requested by the Plaintiff was a Guarantee by the Defendant.
4. By a Guarantee dated the 28th May 1992 ("the Guarantee"), the Defendant *inter alia* guaranteed on demand by the Plaintiff, payment to the Plaintiff of "the liabilities whether direct, contingent or otherwise which [the Defendant] has incurred or is under or may hereafter incur or be under to [the Plaintiff], whether arising from dealings between [the Plaintiff] and [the Defendant] or from other dealings or proceedings by which [the Plaintiff] may become in any manner whatever a creditor of [the Defendant]". The Guarantee was made by the Defendant.
5. By a letter dated 29th June 2000, formal demand was made to the Company and to the Defendant in his capacity as Guarantor, demanding payment of the sums under the terms of the Guarantee.
6. As of 30th July 2000, the sum of CI\$50,986.02 is outstanding with interest accruing at the rate of 10% per annum.



PARTICULARS

Guarantee dated 28th May 1992

Amount outstanding as of 30th May 2000

CI\$50,986.02

**AND THE PLAINTIFF CLAIMS** against the Defendant:

1. The sum of CI\$50,986.02.
2. Interest at the rate of 10%, or CI\$13.96 per diem according to the terms of the facility and the Bank's rate of interest, from the date hereof until Judgment or full payment, whichever is the earlier.
3. Alternatively, interest at the rate of 8% pursuant to the Judicature Law (1995 Revision) and The Judgment Debts (Rates of Interest) Rules (2000), calculated at the rate of CI\$13.96 per diem, from the date hereof until judgment or full payment, whichever is the earlier.
4. Interest at the rate(s) aforesaid from judgment until full settlement of the amount outstanding.
5. Costs to be assessed by the Court or to be taxed.
6. Such further and/or other relief as this Honourable deems just and equitable.



If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$60,000.00 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Quin + Hampson  
QUIN & HAMPSON  
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Messrs. Quin & Hampson, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service and correspondence is that of their said Attorneys-at-Law, 3rd Floor, Harbour Centre, PO Box 1348, George Town, Grand Cayman, BWI.



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 installments or otherwise.

*See over for notes for guidance*

## 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 his 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.

BETWEEN: BANK OF BUTTERFIELD INTERNATIONAL (CAYMAN) LTD. Plaintiff

AND: CHARLES RUSSELL Defendant

ACKNOWLEDGMENT OF SERVICE OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he 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 appropriate box)

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 box).

yes

Service of the Writ is acknowledged accordingly

(Signed) .....

[Attorney] for

[Defendant in person]

Address for service:

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 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.*

Messrs. Quin & Hampson  
Attorneys-at-Law  
Third Floor, Harbour Centre  
PO Box 1348  
George Town,  
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.*