

IN THE GRAND COURT OF THE CAYMAN ISLANDS

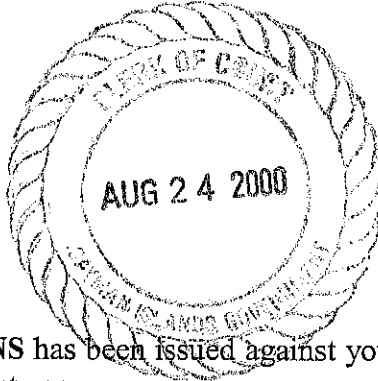
CAUSE NO ⁶⁷⁸ OF 2000

BETWEEN: ROYAL BANK OF CANADA PLAINTIFF

AND: GRAHAM WALKER DEFENDANT

TO THE DEFENDANT:

Mr. Graham Walker
PO Box 1832 GT
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 G.T., 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 23rd August 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 is a bank carrying on business at its branch at George Town, Grand Cayman and elsewhere.
2. The Defendant is indebted to the Plaintiff in the total sum of CI\$4,312.56 as at 23rd August 2000, in respect of loan account no. 33002204 (“the Account”), maintained by the Defendant at the Plaintiff’s George Town branch. The amount of the indebtedness represents the balance due on the Account together with interest thereon at the contractual rate, namely the Plaintiff’s personal loan base rate from time to time (“the Contractual Rate”) which was 13% per annum when the loan agreement was signed on 6th September 1996.
3. By a letter dated 25th March 1999, the Defendant impliedly acknowledged his indebtedness to the Plaintiff concerning the Account and set forth proposals for repayment. The Defendant has however, defaulted on installment payments to the Plaintiff and the Plaintiff seeks repayment of the full balance due.
4. Further, pursuant to a chattel mortgage dated 5th August 1999 (“the Mortgage”), the Defendant, as beneficial owner, granted, bargained, sold and assigned unto the Plaintiff, all the goods and chattels described in that agreement namely, a Renault 5GTS motor vehicle, license no. 66 585 (“the Vehicle”). By written agreement signed by the Defendant on 5th August 1999, the Defendant granted a lien to the Plaintiff over the Vehicle (“the Lien”). The Plaintiff will refer to the full terms of the Mortgage and/or the Lien at trial.
5. By virtue of the Defendant’s default in relation to payment by the Plaintiff concerning the Account, the Plaintiff is entitled by reason of the Mortgage and/or the Lien to an order that the Defendant immediately delivers up the Vehicle to the Plaintiff. By reason of the express terms of the Mortgage and the Lien the Plaintiff is further entitled to an Order that the Plaintiff may immediately sell the Vehicle at public auction or by private treaty, and apply the sale proceeds to the amount of the Defendant’s indebtedness on the Account.

6. Further, the Plaintiff claims interest on any judgment sums and/or damages at the Contractual rate until payment or, alternatively, interest at 8% per annum pursuant to Section 34 of the Judicature Law (1995 Revision) and the Judgment Debt (Rates of Interest) Rules 1998. Interest will continue to accrue at the daily rate of CI\$0.94 until payment in full.

AND THE PLAINTIFF CLAIMS

1. The said sum of CI\$4,312.56.
2. An order that the Defendant do immediately deliver up the Vehicle to the Plaintiff.
3. An order that the Plaintiff be at liberty to sell the Vehicle at public auction or by private treaty for such price as can reasonably be obtained, and that the Plaintiff then apply the sale proceeds to the amount then outstanding on the Account.
4. Damages.
5. Interest as aforesaid.
6. Costs.

If within the time for returning the acknowledgment of service the Defendant pays the total amount claimed of CI\$4,312.56, interest calculated at the daily rate of CI\$0.94 from today's date until payment in full, plus the further sum of CI\$400.00 in respect of costs, further proceedings will be stayed. The funds must be paid to the Plaintiff or its attorney.



BRUCE CAMPBELL & CO

Attorneys at Law for the Plaintiff

THIS WRIT was filed by Messrs BRUCE CAMPBELL & CO, Attorneys at Law for the Plaintiff, whose address for service is 4th Floor, Bank of Nova Scotia Building, George Town, Grand Cayman, Tel : 949 2648; Fax 949 8613. (Ref: JRM/DAS)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ⁶⁷⁸ OF 2000

BETWEEN: ROYAL BANK OF CANADA PLAINTIFF

AND: GRAHAM WALKER DEFENDANT

ACKNOWLEDGEMENT 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.

2. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged -

3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 yes no

4. 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 no

Service of the Writ is acknowledged accordingly

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 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.

**Bruce Campbell & Co. (Ref: hsr)
P O Box 884 G.T.
George Town
Grand Cayman**

**Tel: 949 2648
Fax: 949 8613**

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

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 495, 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.