

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 729 OF 2000

BETWEEN:

GOLFCO LTD.

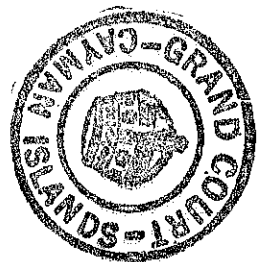
PLAINTIFF

-and-

PETER ISBELL

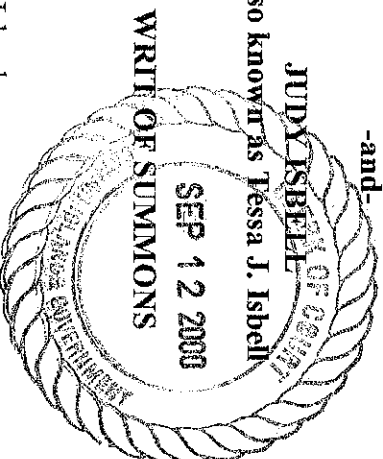
1<sup>ST</sup> DEFENDANT

-and-



JUDY ISBELL  
also known as Tessa J. Isbell

2<sup>ND</sup> DEFENDANT



WRIT OF SUMMONS

TO: Peter and Judy Isbell  
P. O. Box 924 GT  
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 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 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 to return the Acknowledgement 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 this 12<sup>th</sup> day of September, 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 company incorporated pursuant to the laws of the Cayman Islands having its Registered Office at P. O. Box 2079 GT, Grand Cayman, Cayman Islands.
2. The Defendant, Peter Isbell is an individual residing in Grand Cayman, Cayman Islands.
3. The Defendant, Judy Isbell is an individual residing in Grand Cayman, Cayman Islands. The Defendants are husband and wife.
4. In 1993 the Plaintiff and Defendants entered into an agreement whereby the Plaintiff would sell property to the Defendants in exchange for an agreed upon sum. The Defendants further agreed that CI\$40,000.00 of the consideration for the purchase of the property would be paid to the Plaintiff over a period of time. The Plaintiff and Defendants agreed that the Defendants would pay the Defendant on a monthly basis and would pay interest on outstanding balances at a rate of 10 per cent per annum.
5. From time to time the Defendants made 13 payments of CI\$528.60 to the Plaintiff such payments being applied to both principal and accrued interest.
6. As of the date of the issuance of this proceeding the principal outstanding is CI\$37,546.00. As of the date of this issuance of this proceeding interest outstanding is CI\$22,884.96. Therefore the total outstanding as of the date of the issuance of the proceeding is CI\$60,430.96.
7. In addition to the principal sum due as set about above, the Plaintiff is entitled to interest on the outstanding principal at the rate of 10 per cent in accordance with the agreement.

## AND THE PLAINTIFF claims:

- A. CI\$37,546.00 principal;
- B. Pre-judgment and post-judgment interest upon the unpaid principal at the rate of 10 per cent per year
- C. Costs as taxed.

Dated: September 12<sup>th</sup>, 2000

  
 BROADHURST DACOSTA

Attorneys-at-Law for the Plaintiff

### INDORSEMENT

The amount claimed in respect of the debt or demand is C1\$37,546.00 as principal and C1\$22,884.96 as interest until the issue of the writ of summons for a total amount of C1\$60,430.96. The amount of the fixed costs is C1\$500.00 and the costs of issuing the writ of summons is C1\$425.46 (C1\$150 + ad valorem of C1\$ 275.46). If, within the time for returning the acknowledgement of service, the defendant pays the plaintiff or its attorneys-at-law the total amount claimed in principal and interest, the fixed costs and the costs of issuing the writ of summons, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

### STATEMENT REGARDING INTEREST

- i. The prescribed rate of interest during the relevant period is 10% per annum.
- ii. The date from which interest accrues is from March 1994;
- iii. The total interest claimed as at the date of the issue of the writ of summons is C1\$22,884.96;
- iv. The amount of interest accruing each day following the issue of the writ is C1\$10.29.

This Writ of Summons and Statement of Claim was issued by Broadhurst DaCosta, the attorneys-at-law for the Plaintiff, whose address for service is P.O. Box 2503GT, George Town, Grand Cayman, Cayman Islands, British West Indies.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: <sup>729</sup> OF 2000

BETWEEN:

GOLFCO LTD.

PLAINTIFF

-and-

PETER ISBELL

1<sup>ST</sup> DEFENDANT

-and-

JUDY ISBELL

2<sup>ND</sup> DEFENDANT

also known as Tessa J. Isbell

**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 or otherwise participate in the proceedings (tick appropriate box)
 

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------
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.
 

Yes	<input type="checkbox"/>
-----	--------------------------

Service of the Writ of Summons and Statement of Claim is acknowledged accordingly

(Signed) \_\_\_\_\_

[Attorney] for

[Defendant in Person]  
Address for Service:

**Notes on address for service**

*Attorney: when 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 Island, 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 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:

Broadhurst DaCosta  
Attorneys-at-Law  
40 Linwood Street  
P.O. Box 2503 GT  
Grand Cayman, Cayman Islands

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. 495GT, 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 Acknowledgement 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 next page for notes for guidance.

Please complete next page

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessarily (although not necessarily in an adversarial manner) you should tick the "Yes " box in paragraph 2 of the acknowledgment of service.
3. 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.
4. Where the Defendant is used 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 sated on the Originating Summons)".
5. 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.
6. 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.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf for the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office