

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **733** OF 2000

BETWEEN: **BARCLAYS BANK PLC**

PLAINTIFF

AND: **GILROY BRYCE MERREN**

DEFENDANT

WRIT OF SUMMONS

TO: GILROY BRYCE MERREN,
P.O. Box 88 G.T.,
George Town,
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claims set out hereafter.

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 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

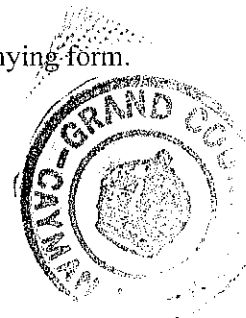
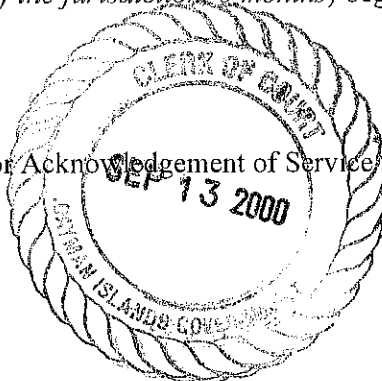
If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this 13th 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 Acknowledgement of Service are given with the accompanying form.



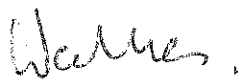
STATEMENT OF CLAIM

1. The Plaintiff is a bank carrying on business at its branch at P.O. Box 68, Shedden Road, George Town, Grand Cayman, Cayman Islands and elsewhere, and the Defendant has at all material times been a customer of the Plaintiff at the said branch.
2. The Defendant is indebted to the Plaintiff on his loan account numbered 2226250 in the total amount of US \$541,127.39 being money lent by the Plaintiff to the Defendant from 26th August 1998 and repayable on demand together with interest from 26th August 1998 until 6th September 2000 compounded monthly at the rate of 10.25% per annum. The Plaintiff made written demand by letter dated 31st March 2000 but the Defendant has failed to repay the said sum or any of it.

AND THE PLAINTIFF claims:

- (1) the sum of US\$ 541,127.39;
- (2) interest of US \$114,971.53 pursuant to contract at the aforesaid rate from 26th August 1998 to 12th September 2000;
- (3) interest pursuant to contract at the aforesaid rate from 12th September 2000 until payment or judgment;
- (4) costs;
- (5) further or other relief.

Dated this 12th day of September 2000.



WALKERS

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM was issued by Walkers, Attorneys-at-Law for the Plaintiff herein, whose address for service is that of its said Attorneys-at-Law, Walker House, P.O. Box 265, George Town, Grand Cayman, Cayman Islands.

BETWEEN: **BARCLAYS BANK PLC**

PLAINTIFF

AND:

GILROY BRYCE MERREN

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.

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

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

yes

no

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 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 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.

Walkers
P.O. Box 265 GT
Walker House
Mary Street
George Town
Grand Cayman

Ref: DMM/cy/B2-26055

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

[Empty box for defendant's attorney indorsement]

**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 495GT, George Town, Grand Cayman.

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 Court's office.
2. If you wish to defend the claims made in the writ of summons, or intend to attend the proceedings and to participate in them so far as necessary (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 28 days for acknowledging service, a writ of summons served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. 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*)".
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 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.

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 Court's office.