

STATEMENT OF CLAIM

1. The plaintiff is a corporation incorporated under the laws of the Cayman Islands (hereinafter "Woods").
2. The defendant is an individual (hereinafter "Kelly") who owns, or owned, Unit # 15, Villas of the Galleon and is resident at 115 East 86th Street, Apartment # 52, New York, 10028.
3. Kelly bought goods and services from Woods, as follows; the goods were delivered and the services were rendered in the Cayman Islands:

<u>Invoice</u>	<u>Date</u>	<u>Amount</u>	<u>Payment</u>	<u>Owing</u>	<u>Interest</u>
7701	28 Dec/94	US\$ 1,932.50	US\$ 800.00	US\$1,132.50	US\$ 1,608.60
7711	30 Jan/95	US\$16,656.25 (includes credit of US\$1,753.75)	US\$9,000.00	US\$7,656.25	US\$10,023.00
8028	11 Mar/95	US\$ 8,206.00	US\$4,103.00	US\$4,103.00	US\$ 5,736.16
8168	3 Apr/95	US\$ 2,877.81	US\$1,438.91	US\$1,373.27	US\$ 1,964.78
8619	18 May/95	US\$ 2,747.50	US\$1,374.23	US\$1,373.27	US\$ 1,822.68
8674	5 June/95	US\$ 3,016.25	US\$1,508.13	US\$1,508.12	US\$ 1,987.50
8771	30 June/95	US\$ 183.75	Nil	<u>US\$ 183.75</u>	<u>US\$ 239.28</u>
				US\$16,905.79	US\$23,382.00

4. The total outstanding for principal and interest, pursuant to the terms of each contract, as of 27th December 2000, is US\$40,287.79. Kelly is in breach of each and all contracts.
5. The terms of each contract (invoice) provided that outstanding amounts shall bear interest at 2% per month (24% per year) (the "agreed rate of interest"). Prejudgment interest has been calculated at the agreed rate of interest from a date 30 days from the date of each invoice. The total amount of pre-judgment interest to 27th December is US\$23,382.00. On and after 28th December 2000 to the date of judgment, interest of US\$11.11 accrues each day to the date of judgment.

6. THE PLAINTIFF (WOOD'S) CLAIMS:

1. An Order for the payment of the sum of US\$16,905.79 (CI\$13,524.63).
2. Pre-judgment interest at the agreed rate of interest to 27th December 2000 of US\$23,382.00 (CI\$18,705.60) and continuing.
3. Interest accruing each day on and after 28th December 2000 at the rate of US\$11.11 per day until judgment or sooner payment.
4. Post-judgment interest at the agreed rate of interest (24% per year).
5. Further and/or other relief.
6. Fixed costs of US\$625.00 (CI\$500.00) plus the prescribed filing fees of US\$231.56 (CI\$185.25).

Total amount as of 27th December 2000

US\$41,144.35 (CI\$32,915.48)

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of **US\$41,144.35 (CI\$32,915.48)** (including interest and fixed costs) further proceedings will be stayed. The money must be paid to the Plaintiff's Attorney.


ORREN MERREN & COMPANY
Attorneys-at-Law for the Plaintiff

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 28 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 28 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 28 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

Please complete overleaf

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 28 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 908 of 2000

BETWEEN: **WOOD'S FUNITURE & DESIGN, LTD.** **PLAINTIFF**
AND: **JAMES KELLY** **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.

Orren Merren & Company
Attorneys-at-Law
P.O. Box 481G
Kirk House Third Floor
Albert Panton Street
Grand Cayman, B.W.I.

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]