

No. 1  
Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

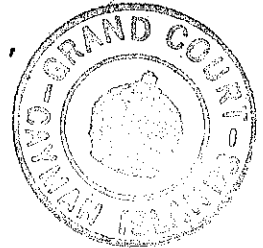
CAUSE # 138 OF 1996

PROBATE AND ADMINISTRATION  
# 587 OF 1979

IN THE MATTER OF THE ESTATE OF CHARLES ALEXANDER BARNES,  
DECEASED

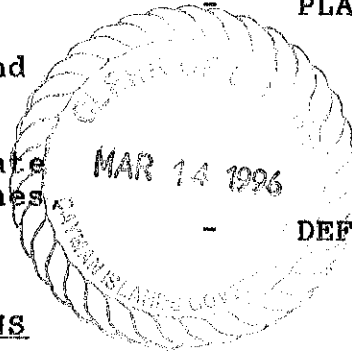
AND

IN THE MATTER OF SECTION 7 OF THE SUCCESSION LAW



BETWEEN: DOREEN BARNES-SMALL PLAINTIFF

AND: CHARLES ROSEVEL BARNES and  
CECIL RAYMOND BARNES  
(as Executors of the Estate  
of Charles Alexander Barnes  
Deceased) DEFENDANTS



WRIT OF SUMMONS

TO: Charles Rosevel Barnes and Cecil Raymond Barnes  
C/O Buttonwood Club, Crewe Road  
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 495G, George Town, Grand Cayman,  
the accompanying Acknowledgement of Service stating therein  
whether you intend to contest these proceedings.

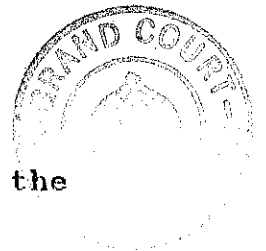
If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and Judgement may be entered against you forthwith without further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

Issued this *14<sup>th</sup>* day of *March*, 1996.

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

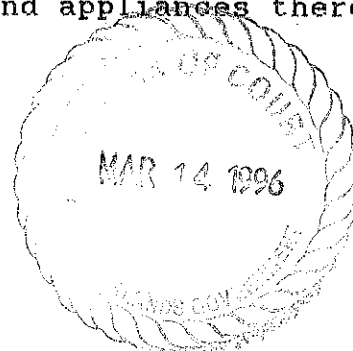
Directions for Acknowledgement of Service are given with the accompanying form.



STATEMENT OF CLAIM

1. The Plaintiff is the lawful daughter of the Deceased, Charles Alexander Barnes, and is also a beneficiary under the terms of the Deceased's Will.
2. The Defendants are the Executors of the Will of the Deceased who died intestate on 31st May, 1978, the Defendants were appointed as Executors of the said Deceased's Estate under his Will dated 30th November, 1978. The said Will was probated in the Grand Court Registry subsequently and a Grant of Probate was issued to the Defendants on 25th January, 1980.
3. The main property devised under the deceased's Will was the property located at Registration Section: George Town Central, Block 14CJ Parcel 136 which is located in an area zoned commercial. The building on the said property is known as "Buttonwood Club".
4. The Testator devised himself of the building known as "Buttonwood Club" together with the land on which the building stands and the surrounding land by Clause 5 of his Will in which he states:  
  
"(a) To Charles Rosevel Barnes the portion of the first floor which is being operated with a Liquor License business, with the fixtures and appliances therein contained;

(3)

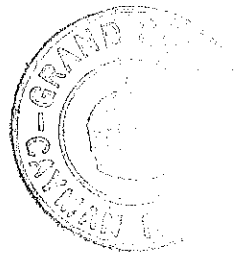


- (b) To Doreen Barnes-Small, the front section of the first floor of the said building, for the conduct of business;
- (c) To Cecil Raymond Barnes, the second floor of the said building, for the conduct of business."
6. Despite various requests by the Plaintiff for the Defendants to have the building stratified so as to enable the provisions of the Will to be effective, to date this has not been done.
7. In addition, despite the terms of the Succession Law and of the grant of Probate itself, the Defendants as Executors have not filed any accounts relating to the administration of the estate.

AND THE PLAINTIFF CLAIMS:

- (i) Directions as to the interpretation and administration of the Will of the deceased and in particular the devise made under paragraph 5 thereof.
- (ii) An order for the administration of the Estate of the late Charles Alexander Barnes, deceased with all necessary and proper accounts.
- (iii) Alternatively to (2) above an order under Section 8 of the Succession Law for the removal of the Defendants as Executors of the Estate on the basis of their neglect and/or misconduct in the management or

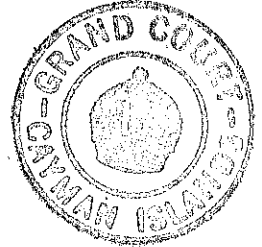
(4)



administration of the estate and appointing the Plaintiff or such other person or persons as this Honourable Court may deem fit to complete the administration of the deceased's estate.

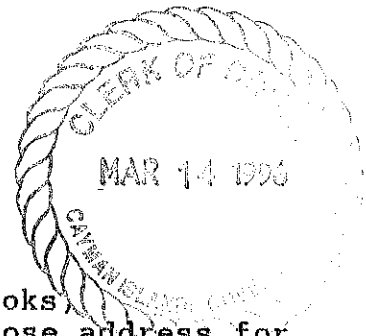
4. Such further or other relief as the Court deems just and equitable.
5. Costs.

Dated this 13<sup>th</sup> day of March, 1996.



Brooks & Brooks

BROOKS & BROOKS  
Attorneys-at-Law  
for the Plaintiff



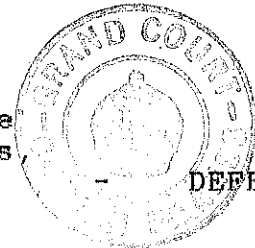
THIS WRIT OF SUMMONS is issued by Brooks & Brooks, Attorneys-at-Law on behalf of the Plaintiff whose address for service is that of her said Attorneys-at-Law, P.O. Box 1355, Second Floor, Harbour Centre, George Town, Grand Cayman.

- (a) Filed on behalf of the Plaintiff
- (b) Deponent -
- (c) Affidavit: # 1
- (d) Sworn on:

BETWEEN: DOREEN BARNES-SMALL - PLAINTIFF

AND: CHARLES ROSEVEL BARNES and

CECIL RAYMOND BARNES  
(as Executors of the Estate  
of Charles Alexander Barnes,  
Deceased)



DEFENDANT

AFFIDAVIT OF SERVICE

I, \_\_\_\_\_, of George Town, Grand Cayman

MAKE OATH AND SAY as follows:-

1. That I am a Bailiff of the said Grand Court of George Town, Grand Cayman.
2. That on the \_\_\_\_\_ day of \_\_\_\_\_, 1996 I did personally serve on CHARLES ROSEVEL BARNES, the Defendant in this matter, a sealed copy of the Writ of Summons filed in this Cause by handing same to him at \_\_\_\_\_
3. That the said CHARLES ROSEVEL BARNES is known to me personally or was identified to me by \_\_\_\_\_

AND I MAKE this Affidavit in proof of service of due process upon the Defendant.

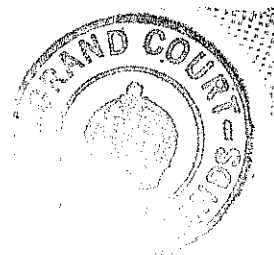
Sworn to at George Town  
Grand Cayman this  
day of \_\_\_\_\_, 1996  
before me

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BAILIFF OF THE COURT

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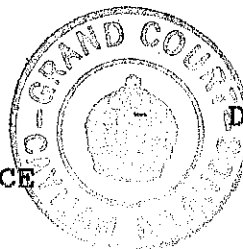
JUSTICE OF THE PEACE



THIS AFFIDAVIT OF SERVICE is filed by Brooks & Brooks  
Attorneys-at-Law for and on behalf of the Plaintiff herein whose  
address for service is 2nd Floor Harbour Centre P.O. Box 1355  
George Town Grand Cayman

BETWEEN: DOREEN BARNES-SMALL - PLAINTIFF

AND: CHARLES ROSEVEL BARNES and  
CECIL RAYMOND BARNES  
(as Executors of the Estate  
of Charles Alexander Barnes,  
Deceased) DEFENDANTS



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 direction 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 judgement 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 judgement entered by the Plaintiff (tick box)

yes

Service of the Writ is acknowledged accordingly

(Signed) .....

[Attorney] for

[Defendant in person]

Address for service:

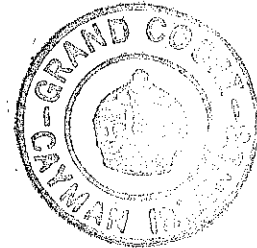
Notes on address for service

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 given his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must given 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

Brooks & Brooks  
Attorneys-at-Law,  
P.O. Box 1355, G.T.,  
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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 138 OF 1996

- (a) Filed on behalf of the Plaintiff
- (b) Deponent -
- (c) Affidavit: # 1
- (d) Sworn on:

BETWEEN: DOREEN BARNES-SMALL - PLAINTIFF

AND: CHARLES ROSEVEL BARNES and  
 CECIL RAYMOND BARNES  
 (as Executors of the Estate  
 of Charles Alexander Barnes  
 Deceased) DEFENDANT

AFFIDAVIT OF SERVICE



I, \_\_\_\_\_, of George Town, Grand Cayman

DO SOLEMNLY SWORE AND SAY as follows:-

1. That I am a Bailiff of the said Grand Court of George Town, Grand Cayman.
2. That on the \_\_\_\_\_ day of \_\_\_\_\_, 1996 I did personally serve on CECIL RAYMOND BARNES, the Defendant in this matter, a sealed copy of the Writ of Summons filed in this Cause by handing same to him at \_\_\_\_\_
3. That the said CECIL RAYMOND BARNES is known to me personally or was identified to me by \_\_\_\_\_

AND I MAKE this Affidavit in proof of service of due process upon the Defendant.

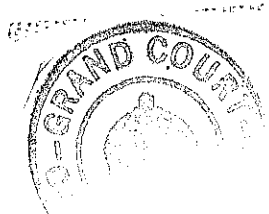
Sworn to at George Town  
Grand Cayman this  
day of                      , 1996  
before me

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BAILIFF OF THE COURT

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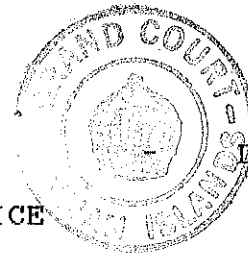
JUSTICE OF THE PEACE



THIS AFFIDAVIT OF SERVICE is filed by Brooks & Brooks Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is 2nd Floor Harbour Centre P.O. Box 1355 George Town Grand Cayman

BETWEEN: DOREEN BARNES-SMALL - PLAINTIFF

AND: CHARLES ROSEVEL BARNES and  
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OF WRIT OF SUMMONS

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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 judgement entered by the Plaintiff (tick box)

yes

Service of the Writ is acknowledged accordingly

(Signed) .....

[Attorney] for

[Defendant in person]

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 given his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must given 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

Brooks & Brooks  
Attorneys-at-Law,  
P.O. Box 1355, G.T.,  
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.