

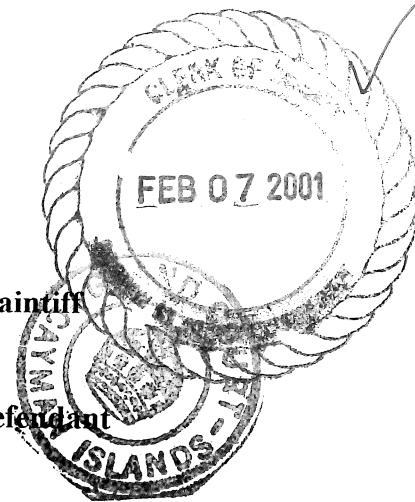
IN THE GRAND COURT OF THE CAYMAN ISLANDS
CAUSE NO. 72 OF 2001

BETWEEN: NATIONAL CONCRETE LTD.

Plaintiff

AND: FRED WHITTAKER

Defendant



WRIT OF SUMMONS

To: Fred Whittaker
Newlands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of a claim set out the next page.

Within fourteen (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 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 the 6th day of February, 2001.

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 local company in the business of selling ready mixed concrete.
- 2 The defendant lives in Newlands.
- 3 On the 24th June 1999 and 18th February, 2000 the defendant obtained ready mixed concrete from the plaintiff resulting a balance of \$2,425.50 which, despite several written demand, the defendant has failed to pay and the principal sum of \$2,425.50 is still due and owing
- 4 In addition to the principal sum due as set out above, the plaintiff is entitled to interest from the due date of payment, the rate of interest being that established pursuant to the Judicature Law (1995 Revision). Interest of \$165.86 on the principal sum is also due as of the date of the issuance of this proceeding. The particulars of interest are set out in the schedule attached to the Statement of Claim.

And the plaintiff claims:

1. \$2,425.50 principal as pleaded above
2. Pre-judgement and post-judgement interest upon the said principal pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules as prescribed from time to time; and
3. Costs as taxed or agreed.

Dated this 6th February, 2001.


Neville W. Levy & Associates

INDORSEMENT

The amount claimed in respect of the debt is \$2,425.50 as principal and \$165.86 as interest until the issue of the writ of summons for a total amount of \$2591.36. The amount of the fixed costs is \$350.00 and the

costs of issuing the writ of summons is \$150.00. If, within the time for returning the acknowledgement of service, the defendant **pays the plaintiff's attorneys-at-law** the total amount claimed in principal and interest, the fixed costs and the costs of issuing of the writ of summons, further proceedings will be stayed. The money must be paid to the plaintiff's attorneys-at-law at the Nevlaw Building, 180 Shedden Road.

STATEMENT REGARDING INTEREST

- i. The prescribed rate of interest on \$2,425.50 from 1st April, 2000 to 6th February, 2001, is 8 % per annum
- ii. The date from which interest accrues is from the 1st April, 2000 to the 6th February, 2001.
- iii. The total interest claimed as at the date of issuance of this Writ of Summons is \$165.86
- iv. The amount of interest accruing each day following the issue of this Writ is \$0.53

Filed by Neville W. Levy & Associates, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of the said Attorneys at the NevLaw Building, Shedden Road, P.O.Box 2178, Grand Cayman.

Schedule of Interest Calculated

- i. Interest from 11/4/00 to 6/2/01 = $\$2,425.50 \times .08 \times 312/365$ = \$165.86

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. of 2001.

BETWEEN: NATIONAL CONCRETE LTD. **Plaintiff**

AND: FRED WHITTAKER **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 judgement being entered against a Defendants whereby they may have to pay the costs of applying to set it aside.

1. National Concrete Ltd.
2. State whether the Defendants intend to contest the proceedings. (tick "yes" or "no")
3. State whether the Defendants intend to apply for a stay of execution judgement entered by the Plaintiff. (tick "yes")

Service of the Writ is acknowledged accordingly

Signed:

Attorney for Defendant

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 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.

Neville W. Levy & Associates
NevLaw Building,
180, Shedden Road George Town.
P.O. Box 2178.

Indorsement by Defendant's Attorneys (or by defendants if suing in person) of his name, address and reference , if any, below.