

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ¹²³ OF 2001

BETWEEN:

JAMES B. SCOTT

PLAINTIFF

AND:



BANK OF BERMUDA (CAYMAN) LIMITED

DEFENDANT

WRIT OF SUMMONS



TO: BANK OF BERMUDA (CAYMAN) LIMITED
c/o Maples and Calder
Ugland House II
P.O. Box 309 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 day of March 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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff's claim is for US\$50,000.00 being money payable by the Defendant to the Plaintiff as money had and received by the Defendant to the use of the Plaintiff.

PARTICULARS

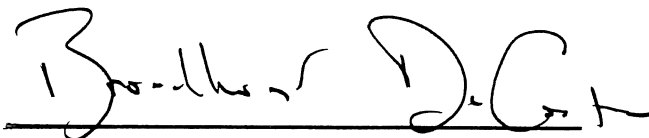
On the 18th of October, 1999, the Plaintiff paid or caused to be paid to the Defendant the sum of US\$50,000.00 for the purpose of investing in an enterprise known as "Cash for Titles" through an account in the name of Uni-Group Enterprises. But on the 15th October or at the latest the 16th October, 1999, Cash for Titles had been closed down as a fraud and the account of Uni-Group Enterprises was on that date frozen. Accordingly, there was a total failure of consideration. The Defendant lodged the Plaintiff's US\$50,000.00 into a "suspense" account, but has since failed and refused to return it or any part thereof to him.

2. The Plaintiff further claims interest on the said sum of US\$50,000.00 at such rate and for such period as the court thinks fit assessed pursuant to the Judicature Act (1995 Revision).

AND THE PLAINTIFF claims:

1. The sum of US\$50,000.00;
2. Interest on the said sum of US\$50,000.00 at such rate and for such period as the court thinks fit assessed pursuant to Judicature Act (1995 Revision);
3. Costs; and
4. Such further and other relief as this court may deem just.

Dated this 25 day of March, 2001



BROADHURST DACOSTA
Attorneys for the Plaintiff

This Writ of Summons was issued by Broadhurst DaCosta whose address for service is 40 Linwood Street, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies, Attorneys for the Plaintiff.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

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CAUSE NO. OF 2001

Between:

JAMES B. SCOTT

Plaintiff

-and-

BANK OF BERMUDA (CAYMAN) LIMITED

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 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:

Please see overleaf.....

Notes on address for service

Attorney: where 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 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.

BROADHURST JACOBA
PO Box 2583 GT
40 LINWOOD STREET
GEORGE TOWN
Attw: PETER A. BROADHURST

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

