

IN THE GRAND COURT OF THE CAYMAN ISLANDS

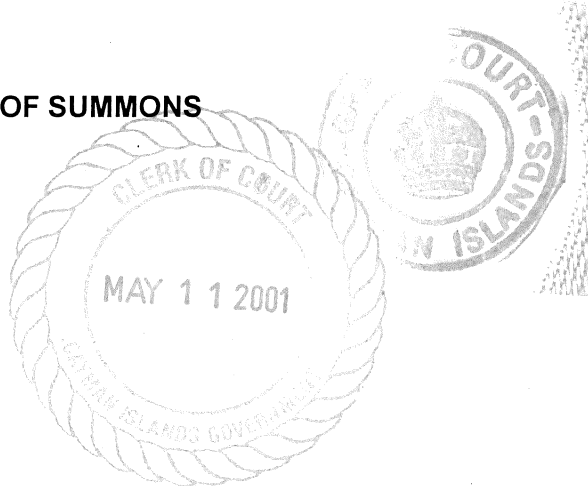
CAUSE NO. 275 OF 2001

BETWEEN: **JACQUES SCOTT & COMPANY LIMITED** **PLAINTIFF**
AND: **1. QUALITY FIX OCEAN VIEW** **DEFENDANTS**
 2. DEREK EBANKS

WRIT OF SUMMONS

TO: **Quality Fix Ocean View**
 PO Box 2602 GT
 Grand Cayman

AND TO: **Mr. Derek Ebanks**
 PO Box 2602 GT
 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 of Summons on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, 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 judgment may be entered against you forthwith without further notice.

Issued this 10th day of MAY, 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.

INDORSEMENT

The Plaintiff's claim against the Defendants is for CI\$2,867.57 being the sum due by the Defendants for goods purchased on or about 11th November and 18th November, 1999 from the Plaintiff whereby the Second Defendant issued two cheques on behalf of the First Defendant which were returned to the Plaintiff as "refer to drawer".


CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF

This Writ was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies

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CAUSE NO. OF 2001

BETWEEN: JACQUES SCOTT & COMPANY LIMITED PLAINTIFF

AND: 1. QUALITY FIX OCEAN VIEW DEFENDANTS
2. DEREK EBANKS

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

Important. Read the accompanying Delay may result in judgment being direction and notes for guidance carefully entered against a Defendant whereby he before completing this form. If any may have to pay the costs of applying to information required is omitted or given set it aside. wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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
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.

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

**CHARLES ADAMS, RITCHIE &
DUCKWORTH**
P.O. Box 709 GT
Zephyr House, Mary Street
George Town
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.

[Empty box for Defendant's Attorney indorsement]

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

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 14 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.

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BETWEEN: **JACQUES SCOTT & COMPANY LIMITED** **PLAINTIFF**

AND: **1. QUALITY FIX OCEAN VIEW** **DEFENDANTS**
 2. DEREK EBANKS

STATEMENT OF CLAIM

1. The Plaintiff is a company duly registered under the laws of the Cayman Islands and is licensed to carry on business as wholesalers and retailers of, *inter alia*, liquors, beer and wine in the Cayman Islands.
2. The First Defendant is a resident company whose registered office is located at PO Box 2602 GT, Grand Cayman. The Second Defendant resides in Grand Cayman, Cayman Islands and at all material times, traded and operated under the business name of the First Defendant, Quality Fix Ocean View, Grand Cayman, Cayman Islands
3. On the 11th November 1999 and 18th November, 1999, the Second Defendant presented cheques in the amounts of CI\$1,354.05 and \$1,513.52 respectively to the Plaintiff, totalling CI\$2,867.37 drawn on the First Defendant's account at the Royal Bank of Canada as payment for goods received.
4. The cheques, when presented by the Plaintiff to the First Defendant's bank for payment, were returned as a result of insufficiency of funds held to the Defendant's account.
5. The Second Defendant was subsequently contacted by the Plaintiff on several occasion, lastly being by way of letter on 22nd March, 2000, and informed that the cheques had been returned, and a demand for payment of the amount of CI\$2,867.37 was made at that time.
6. That on 6th July, 2000 the Plaintiff's attorneys-at-law wrote to the Defendants demanding payment however that letter was returned to the Plaintiff's attorneys-at-law as unclaimed.

7. That on 13th February, 2001, the Plaintiff's attorneys-at-law once again wrote to the Defendant and had the letter served by a process server on the Second Defendant who was not located until 13th March, 2001.
8. That to date the Defendants have made no contact with the Plaintiff or its attorneys-at-law and that notwithstanding the said demand, the amount of CI\$2,867.37 remains outstanding.

AND THE PLAINTIFF CLAIMS:-

1. The said sum of CI\$2,867.37.
2. Pre-Judgment Interest pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 7% per annum from 31st December, 1999 to 31st March, 2000 and from 1st April, 2000 to the date of issue of the Writ at the rate of 8% per annum, being CI\$325.01.
3. Post-Judgment Interest thereafter pursuant to Section 34 of the Judicature Law (1995 Revision).
4. Costs.

STATEMENT REGARDING INTEREST:

- (i) The rate of Pre-Judgment Interest claimed is 7% per annum from 31st December, 1999 to 31st March, 2000 and at 8% per annum from 1st April, 2000 to the date of the issue of this Writ.
- (ii) The date from which interest is calculated is the 31st December, 1999.
- (iii) The amount of interest accruing each day hereafter is CI\$0.64 per day.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$3,192.38 (excluding fixed costs of CI\$500.00 and filing fees of CI\$150.00) further proceedings will be stayed. The money must be paid to the Plaintiff.


CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF

This Statement of Claim was filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies.