

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ~~280~~ of 2001

B E T W E E N :

CAYMAN ISLANDS CUSTOMS AGENCY

Plaintiff

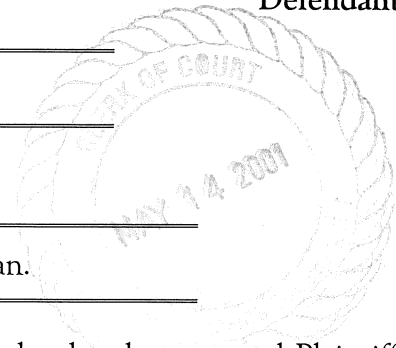
AND

CHARLES BUSH

Defendant



WRIT OF SUMMONS



TO: Charles Bush P.O. Box 418, West Bay, 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 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 14th 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.

STATEMENT OF CLAIM

1. The Plaintiff is and at all material times been licensed to carry on business of custom brokerage in the Cayman Islands.
2. The Defendant is a customer of the Plaintiff.
3. On 30th October, 1999, the Defendant contracted with the Plaintiff to carry out custom brokerage services ("services") on his behalf. Upon his request we paid for and clear a Chevy truck.
5. The defendant attempted to collect his truck from the Port Authority Depot but was told that as he was not in possession of the release he could not claim the vehicle.
6. The Defendant contacted our offices and was told that in order for him to collect the release form he would have to pay the outstanding charges relating to the duty and our costs. He verbally promised to come in and settle his invoice. The Defendant made a second attempt at collecting his truck at the Port Authority. The Plaintiffs then contacted the Port Authority advising them of their position. The matter was then turned over to the Attorney of the Plaintiff
7. The Defendant was informed by the Plaintiffs Attorney on the 18th July, 2000, that there was an outstanding balance due to the Plaintiff in the amount of CI\$4,671.76. He was advised that if payment was not received within seven days of receipt of the letter legal proceedings would be commenced against him
8. To date the Defendant has failed to respond to the letter and the debt remains due and owing.
9. The Plaintiff claims the principal sum of CI\$4,671.76, which includes interest, calculated at a rate of 8³/₈% per annum, as calculated from 11th May 2001 and legal fees.

AND THE PLAINTIFF CLAIMS:

1. Principle sum of CI\$4671.76
2. Interest of CI\$1.02 per diem from 11th May, 2001 to date of payment.
3. Costs to be agreed or taxed, plus the fees of the Writ of CI\$150.00.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$4,671.76 and interest at the rate aforesaid calculated up to the date of payment, and legal costs, further proceedings will be stayed.

The money must be paid to the Plaintiff's attorney.

Hunter E. Hunter
HUNTER & HUNTER

Filed by Hunter & Hunter, Attorneys at Law, for the Plaintiff, whose address for service is P.O. Box 190 George Town, Grand Cayman (Ref: ZM/07990.003)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgement 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 Acknowledgement 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 14 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 14 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 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 instalments or otherwise.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 280 of 2001

B E T W E E N : CAYMAN ISLANDS CUSTOMS AGENCY Plaintiff

AND: CHARLES BUSH. 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 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

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.

Hunter & Hunter P.O. Box 190 West Wind Building George Town Grand Cayman
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

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