

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ³⁰¹ OF 2001

BETWEEN: CAYMAN KITCHENS AND BATHS LTD PLAINTIFF
AND: RUDOLPH EVANS DEFENDANT

WRIT OF SUMMONS

Mr. Rudolph Evans
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 service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O.Box 495, G.T., Grand Cayman the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

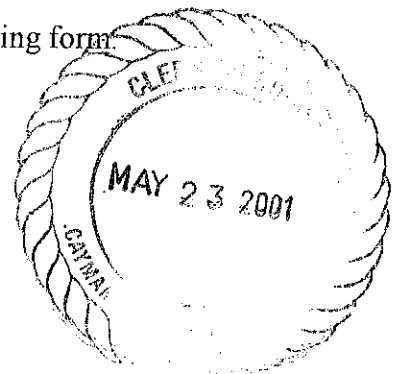
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you fail to return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further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

ISSUED at George Town this 15 day of MAY, 2001.

NOTE: This Writ may not be served later than four (4) calendar months (or if leave is required to effect service out of the jurisdiction, six (6) months) beginning with the day of issue unless renewed by order of the Court.

IMPORTANT

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



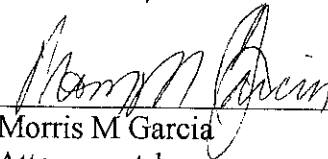
STATEMENT OF CLAIM

1. The Plaintiff is an ordinary resident company registered under the Companies Law of the Cayman Islands and doing business in cabinetry design, supply and installation.
2. The Defendant is and was at all material times the owner or occupier of a dwelling house in Grand Cayman, which the Defendant was renovating.
3. In or around June 2000 by an oral contract made between the Plaintiff and the Defendant the Plaintiff agreed to supply and install in the said dwelling house corian tops and sink for the total price of CI\$6,800.00.
4. On or about June 30, 2000, the Plaintiff received the sum of CI\$ 3,400.00 from the Defendant representing a 50% deposit of the total cost.
5. In or around August 2000, the Defendant paid a further CI\$1,000.00 leaving a balance a balance of CI\$2,400.00
6. The Plaintiff has supplied and installed in the said dwelling house all the corian tops and sink but in breach of the said contract, the Defendant has refused to pay the balance of CI\$2,400 or any part thereof, and the same is due and owing to the Plaintiff.

WHEREFORE THE PLAINTIFF CLAIMS FROM THE DEFENDANT:

- (1) The said sum of CI\$2,400.00
- (2) Interest pursuant to contract or in the alternative under the Judicature Law
- (3) Costs
- (4) Such further and or other order as to this court seems just

Dated this 15th of May, 2001.


Morris M Garcia
Attorney-at-law

Filed by Morris M Garcia, attorney -at- law for the Plaintiff.

STATEMENT REGARDING INTEREST

- (i) The prescribed rate of interest, throughout the relevant period was 12% per annum .
- (ii) The date from which interest is calculated is 1st September,2000.
- (iii) The total amount of interest claimed as at the date of the issue of the writ of summons is CI\$180.00
- (iv) The amount of interest accruing thereafter is CI\$0.80 per day.

The amount claimed is in respect of the debt or demand is CI\$2,400.00 as principal and CI\$180.00 as interest to the date of issue of the writ of summons for a total of CI\$2,580.00. The amount of the fixed costs is CI\$500.00 and the cost of issuing the writ of summons is CI\$150.00. If, within the time fixed for returning the Acknowledgment of Service, the Defendant pays the Plaintiff or its attorneys-at-law the total amount claimed of CI\$ 3,230.00 in principal and interest, the fixed costs and the costs of issuing the writ of summons, further proceedings will be stayed. The money must be paid to the Plaintiff or his attorneys-at-law

THIS WRIT OF SUMMONS was issued by Morris M Garcia, attorney-at-law for the Plaintiff whose address for service is that of his said attorney, Suite #2, Nevlaw Building P.O.Box 1185,G.T.,Grand Cayman, Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgment 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 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff 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 the 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 Acknowledgment, 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.

See over for notes for guidance

Please complete overleaf

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 acting in person) of his name,address and reference,if any, in the box below.

Morris M Garcia
attorney-at-law
P.O.Box 1185G
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.

Filed by Morris M Garcia, Suite #2, Nevlaw Building , George Town, Grand Cayman,
attorney-at-law fo the Plaintiff.

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.