

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 361 OF 2001

BETWEEN:

VIRGINIA CLARKE



Plaintiff

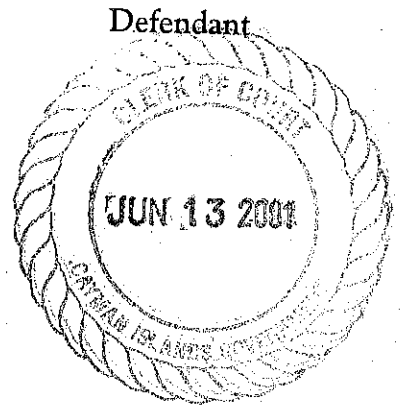
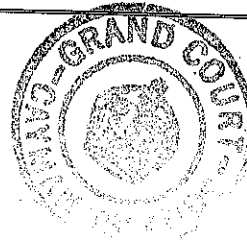
AND

ANDY DARKOH AGYEMAN

Defendant

WRIT OF SUMMONS

To: Andy Darkoh Agyeman
C/o Bedford Borough Council
Legal Department
Town Hall, Bedford
MK40 1SJ, U.K.



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 GT, 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 12th day of June 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 and was at all material times a resident of 64 Galaxy Way, Savannah, Grand Cayman. The Plaintiff is and was at all material times the owner of a 1998 Toyota Tacoma motor vehicle bearing registration number 69-469 (the "Plaintiff's vehicle").
2. The Defendant was at all material times a resident of Patrick Island, Prospect, Grand Cayman. The Defendant was at the time of the under-mentioned accident, the registered owner and driver of a Mercedes Benz motor vehicle, bearing registration number 63-133 (the "Defendant's vehicle"). The Defendant's vehicle was at all material times insured by Motor & General Insurance Company Limited of P.O. Box 1094GT, Crewe Road, Grand Cayman.
3. On the 6th May 1999 at approximately 5:10 p.m., the Plaintiff's husband, Ben Clarke (the "Driver"), was driving the Plaintiff's vehicle Northwest on Crewe Road in the vicinity of Prospect Haven and Old Crewe Road. The Driver then switched on his indicator and slowed down in order to make a sharp left turn into Old Crewe Road, when the Defendant, who was proceeding along Crewe Road in the same direction as the Driver, without warning, collided with the rear of the Plaintiff's vehicle.
4. As a result, the Plaintiff's vehicle was pushed off the side of the road and collided with a boat trailer, which was parked there. The Plaintiff's vehicle accordingly received damage to the rear and front left of the vehicle.
5. The said accident was caused by the negligent and/or careless driving of the Defendant.

PARTICULARS OF NEGLIGENCE

- a. Failing to keep a proper following distance between the Defendant's vehicle and the Plaintiff's vehicle;
 - b. Driving too fast in all the circumstances;
 - c. Failing to keep any or any proper lookout;
 - d. Failing to stop, slow down or steer or otherwise control the Defendant's vehicle so as to avoid colliding with the Plaintiff's vehicle;
 - e. Driving while under the influence of alcohol.
6. Subsequent to the accident, the Defendant was charged with Careless Driving and Driving Whilst Intoxicated, though failed to appear at the criminal hearing, as a result of which a warrant for his arrest was issued.
7. As a result of the said accident, the Plaintiff sustained loss and damages to the Plaintiff's vehicle in the amount of CI\$2,538.84, calculated from an assessment of damage performed by H&R Auto Body Shop on 7 May 1999.
8. Further the Plaintiff claims interest on any sum found to be due by the Defendant in accordance with the Judicature Law at the rate of 7% per annum from 7 May 1999 to 31 March 2000; at the rate of 8% per annum from 1 April 2000 to 31 May 2001; and at the rate of 6 ¼% per annum from 1 June 2001 to the date of judgment or sooner payment, or at such rate and for such period as the Court thinks fit.

AND THE PLAINTIFF CLAIMS:

1. Damages in the sum of CI\$2,538.84;
2. Interest pursuant to the Judicature Law and the Grand Court Rules of CI\$402.51 at the date of issue hereof and accruing at a daily rate of CI\$0.43 hereafter;
3. Costs;

4. Such further or other relief as the Court may deem just.

Dated this 12th day of June 2001

Hunter & Hunter
Hunter & Hunter
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And To: Andy Darkoh Agyeman
C/o Bedford Borough Council
Legal Department, Town Hall
Bedford
MK40 1SJ
United Kingdom

THIS WRIT was issued by Hunter & Hunter, Attorneys-at-Law for the Plaintiff whose address for service is that of the said Attorneys, namely 75 Fort Street, The Huntlaw Building, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref JST/02744.032).

DIRECTIONS FOR ACKNOWLEDGEMENT 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 495 GT, 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 of "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 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.

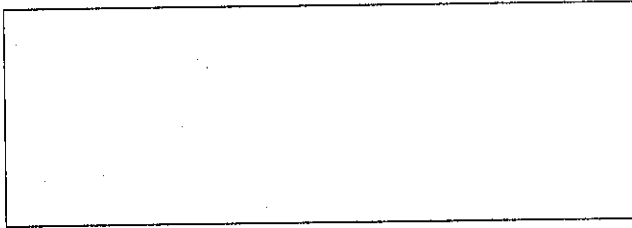
See over for notes for guidance

Please complete overleaf

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.

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

A large, empty rectangular box with a thin black border, intended for the indorsement of the defendant's attorney or the defendant if suing in person. The box is currently blank.