

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. <sup>385</sup> OF 2001

BETWEEN:

JUN 22 2001

DECO PRODUCTS INTERNATIONAL INC.

Plaintiff

- and -

GENERAL WINDOWS AND DOORS

Defendant

WRIT OF SUMMONS

TO: General Windows and Doors,  
P. O. Box 1397GT,  
Commercial Avenue,  
North Sound Road,  
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, PO Box 495 GT, George Town, 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 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 20<sup>th</sup> day of June, 2001.

NOTE – This Writ may not be served later than 4 calendar 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 the sum of US\$12,654.40 for the supply of awning windows, window frames and related products supplied by the Plaintiffs to the Defendant between February and March 2001. Invoices numbered 8121 (dated 23<sup>rd</sup> February 2001), 8131 (dated 27<sup>th</sup> February 2001), 8152 (dated 6<sup>th</sup> March 2001) and 8169 (dated 12<sup>th</sup> March 2001) and Statement dated 31<sup>st</sup> May 2001 are produced and evidence the sums sued for. The Plaintiff's terms are for payment within 30 days of the invoice date failing which interest accrues.
2. The Defendant has acknowledged that these sums are due and resting owing by correspondence dated 16<sup>th</sup> May 2001, which is produced. The full payment remains outstanding.
3. Further, the Plaintiff is entitled to and claims interest on the said sum of US\$12,654.40 under section 34 of the Judicature Law (1995 Revision) as set out below or at such rate and for such period as the Court may determine.

Particulars of Interest

1.	Pre-Judgement Interest:	
	a)	
	Invoice 8121 from 23 <sup>rd</sup> February	
	to date	97.79
	Invoice 8131 from 27 <sup>th</sup> February	
	to date	35.37
	Invoice 8152 from 6 <sup>th</sup> March	
	to date	1.67
	Invoice 8169 from 12 <sup>th</sup> March	
	to date	<u>84.10</u>
		218.93

all at the rate of 8% per annum  
and continuing at the daily rate of US\$2.77 until judgement or  
sooner payment.

2. Post-Judgement Interest: at the then-prevailing Court rate, on the principal sum of the judgement until payment in full.

AND THE PLAINTIFF CLAIMS:

1. US\$12,654.40
2. Interest as aforesaid
3. Court fees paid to issue this Writ of US\$182.93 (CI\$150.00)
4. Costs

If, within the time for returning the Acknowledgment of Service, the Defendant pays the **total amount claimed of US\$12,654.40** (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.



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Boxalls

Attorneys for the Plaintiff(s)

This Writ of Summons and Statement of Claim was issued by Boxalls, Attorneys for the Plaintiff, whose address for service is: PO Box 1234 GT, 3<sup>rd</sup> Floor, Queensgate House, South Church Street, George Town, Grand Cayman, B.W.I (Reference: 1982-0001/AMW)

**DECO PRODUCTS INTL**


**Invoice**

4743 SW 75TH AVENUE  
 MIAMI, FL 33155  
 TEL: (305) 266-0104  
 FAX: (305) 266-2724

DATE	INVOICE #
2/23/2001	8121

<b>BILL TO</b>
GENERAL WINDOWS & DOORS P.O. BOX 10016 GRAND CAYMAN, C.I.

<b>SHIP TO</b>
SAFWAY FREIGHT CONSOLIDATORS 10871 NW 33 STREET MIAMI, FL  D/R# 33550

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
VEREAL	PREPAID	FC	2/23/2001	OCEAN	MIAMI	
QUANTITY	ITEM CODE	DESCRIPTION			PRICE EACH	AMOUNT
1	NUAIR 206919	NUAIR QUOTE #206919 AS ATTACHED, NOT TAG NOS. NEEDED			5,128.58	5,128.58
1		THIS INVOICE CERTIFIED TO BE TRUE AND CORRECT  EXPORT OFFICER				
2						
					<b>Total</b>	\$5,128.58

## DECO PRODUCTS INTL

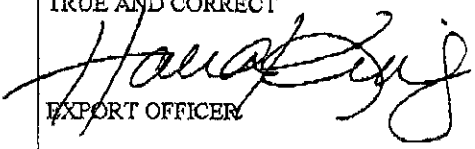
4743 SW 75TH AVENUE  
 MIAMI, FL 33155  
 TEL: (305) 266-0104  
 FAX: (305) 266-2724

## Invoice

DATE	INVOICE #
2/27/2001	8131

BILL TO
GENERAL WINDOWS & DOORS P.O. BOX 10016 GRAND CAYMAN, C.I.

SHIP TO
SAFEMAY FREIGHT CONSOLIDATORS 10871 N.W. 33 STREET MIAMI, FL
D/R# 33648

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT	
VERBAL	PREPAID	FC	2/27/2001	OCEAN	MIAMI		
QUANTITY	ITEM CODE	DESCRIPTION			PRICE EACH	AMOUNT	
1	AWN 19-1/8X25	6772	AWNING WINDOW 19-1/8 X 25			59.50	59.50
2	AWN 33-3/4X76	6877	AWNING WINDOW 33-3/4 X 76			176.83	353.66
2	AWN 25-1/2X26		AWNING WINDOW 25-1/2 X 26			73.79	147.58
4	AWN 37X50-5/8		AWNING WINDOW, 24, 37 X 50-5/8			100.45	401.80
1	AWN 30X25-1/2		AWNING WINDOW 30 X 25-1/2			79.92	79.92
2	AWN 30X76		AWNING WINDOW 30 X 76			198.19	396.38
2	AWN 36-1/2X37		AWNING WINDOW 36-1/2 X 37-3/4			115.73	231.46
3	AWN 37X25-1/2		AWNING WINDOW 37 X 25-1/2			91.26	273.78
1		THIS INVOICE CERTIFIED TO BE TRUE AND CORRECT					
2		 EXPORT OFFICER					
					<b>Total</b>	\$1,944.08	

**DECO PRODUCTS INT'L**

**Invoice**

4743 SW 75TH AVENUE  
 MIAMI, FL 33155  
 TEL: (305) 266-0104  
 FAX: (305) 266-2724

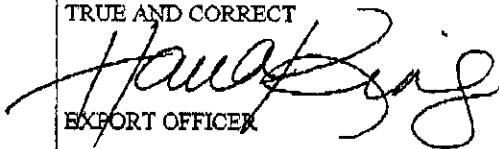
DATE	INVOICE #
3/6/2001	8152

<b>BILL TO</b>
GENERAL WINDOWS & DOORS P.O. BOX 10016 GRAND CAYMAN, C.I.

<b>SHIP TO</b>
SAFWAY FREIGHT CONSOLIDATORS 10871 N.W. 33 STREET MIAMI, FL  D/R# 33727

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
VERBAL	PREPAID	FC	3/2/2001	OCEAN	MIAMI	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1	AWN 37X50-5/8	AWNING WINDOW, 24, 37 X 50-5/8	100.45	100.45
1				
2				

THIS INVOICE CERTIFIED TO BE  
 TRUE AND CORRECT  
  
 EXPORT OFFICER

<b>Total</b>	\$100.45
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**DECO PRODUCTS INT'L**

4743 SW 75TH AVENUE  
 MIAMI, FL 33155  
 TEL: (305) 266-0104  
 FAX: (305) 266-2724

**Invoice**

DATE	INVOICE #
3/12/2001	8169

<b>BILL TO</b>
GENERAL WINDOWS & DOORS P.O. BOX 10016 GRAND CAYMAN, C.I.

<b>SHIP TO</b>
SAFEWAY FREIGHT CONSOLIDATORS 10871 N.W. 33 STREET MIAMI, FL D/R #33665 B/L #10351994

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
VERBAL	PREPAID	FC	3/12/2001	OCEAN	MIAMI	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2	H33	26-1/2" X 38-3/8" FLANGE TYPE, TRUE COLONIAL, WHITE FRAME, CLEAR GLASS, WITH SCREEN	80.36	160.72
2	MULL BAR	37-3/8 FACTORY MULL BAR	7.98	15.96
25	CSV 24	37"X50-5/8" FLANGE TYPE, WHITE FRAME, TRUE COLONIAL, GREY GLASS, WITH SCREEN	110.62	2,765.50
17	MULL BAR	49-5/8"FACTORY MULL BAR	9.98	169.66

*Handwritten signature*

**Total** \$5,481.29





MAY 16<sup>TH</sup>, 2001

DECO PRODUCTS  
ATTN: DAVID PHILLIPS  
FAX. 305-266-2724

RE. BALANCE OUTSTANDING ON ACCOUNT

I WILL BE SENDING YOU A CHECK VIA FEDEX ON FRIDAY .....MAY 18<sup>TH</sup>.  
PLEASE ACCEPT MY APOLOGIZES FOR THE INCONVIENCE CAUSED WITH  
THIS DELAY IN PAYMENT.

THANK YOU

  
LLOYD SHAW

*called 5/28/01*  
*called 5/29/01 says he's sending today.*

**DIRECTIONS FOR ACKNOWLEDGMENT  
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 495GT, 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 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 28 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 28 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 Acknowledgment 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.*

## 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 28 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 of 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 his 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**

BETWEEN: CAUSE NO. OF 2001  
DECO PRODUCTS INTERNATIONAL INC. Plaintiff  
AND: GENERAL WINDOWS AND DOORS Defendant

**ACKNOWLEDGMENT 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

GENERAL WINDOWS AND DOORS

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*).

yes

no

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Acknowledgment of Service Form

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*Deco Products International v. General Windows & Doors*  
Cause No.     of 2001

**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

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Service of the Writ of Summons 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 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.

<p><b>BOXALLS</b> Attorneys-at-Law PO Box 1234GT Grand Cayman, Cayman Islands Ref: AMW 1982-0001</p>
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Acknowledgment of Service Form

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*Deco Products International v. General Windows & Doors*  
Cause No.     of 2001

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