

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. 446 of 2001

BETWEEN:

CIBC BANK AND TRUST COMPANY
(CAYMAN) LTD

PLAINTIFF

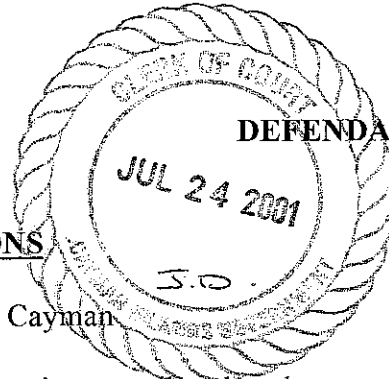
AND:

EVERARD LEACOCK

DEFENDANT



WRIT OF SUMMONS



TO: Everard Leacock, PO Box 10076 APO, 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 Court Office, PO Box 495 G, 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 judgement may be entered against you forthwith without further notice.

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.

Issued this day of July 2001.

IMPORTANT

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

See overleaf for particulars of Plaintiff's claim.


STATEMENT OF CLAIM

1. For valuable consideration, the Defendant herein entered into a Guarantee dated 5th December 1997 whereby he guaranteed payment to the Plaintiff of the liabilities incurred by Tina Bush, the Defendant's daughter.
2. The Guarantee, inter alia, provided by Clause 10 that the Defendant "*shall make payment to the Bank (the Plaintiff) of the amount of the liability of the Guarantor forthwith after demand therefor is made in writing and such demand shall be deemed to have been effectually made when an envelope containing it addressed to the Guarantor at the last address of the Guarantor known to the Bank is deposited, postage prepaid and registered, in the Post Office and the liability of the Guarantor shall bear interest at the rate of 16% per annum from the date of such demand.*"
3. In accordance with the said provision, demand was made of the Defendant by way of a letter from the firm of Ritch & Conolly, attorneys for the Plaintiff, dated 3rd January 2001. The said sums outstanding under the Guarantee at that stage amounted to C15,788.49 together with interest of C17.25.
4. Following the said demand, the Defendant made two payments of C4,063.50 on 2nd February 2001 and 3rd March 2001 respectively, leaving a balance outstanding by that stage of C8,127.00.
5. Since 3rd March 2001, no further sums have been discharged by the Defendant and further demand has been made on 3rd April 2001, 11th April 2001 and 18th May 2001 but the Defendant has failed to discharge the balance due or any interest thereon.

AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT:-

1. Payment of the said sum of C8,127.00;
2. Interest outstanding from 3rd March 2001 to the date hereof at the rate of 16% per annum amounting to C501.96;
3. Interest at the daily rate of C3.56 from the date of issue herein until Judgment or sooner payment;
4. Costs;
5. Further or other relief;

Dated the 23rd day of July 2001.


RITCH & CONOLLY
Attorneys at Law for the Plaintiff

IMPORTANT

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

If within the time for returning the Acknowledgement of Service the Defendant pays the amount claimed of CI\$8,127.00 together with fixed attorney's fees of US\$304.88 (CI\$250.00) and filing fees of US\$182.93 (CI\$150.00) and, further, delivers up the said credit card then all further proceedings will be stayed. The money must be paid to the Plaintiff or its attorneys.

TO: The Clerk of the Court
AND TO: The Defendant, PO Box 10076 APO, Grand Cayman

This Writ of Summons was issued by Ritch & Conolly, Attorneys-at-Law, for and on behalf of the Plaintiff herein whose address for service is Fourth Floor, Queensgate House, South Church Street, PO Box 1994 GT, Grand Cayman.

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CAYMAN LTD

PLAINTIFF

AND:

EVERARD LEACOCK

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 Judgement 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 judgement entered by the Plaintiff (*tick box*)

Yes

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

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

Messrs. Ritch & Conolly
PO Box 1994 GT
Grand Cayman

Ref: CIBC/Leacock - #8287

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