

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. <sup>490</sup> 2001

BETWEEN: RICHARD HARFORD

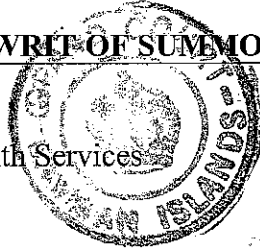
PLAINTIFF ✓

AND: MAXINE STEWART

DEFENDANT

WRIT OF SUMMONS

TO: Maxine Stewart  
C/O Cayman Islands Health Services  
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 of the 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 GT., George Town, Grand Cayman the accompanying Acknowledgement of Service form 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            day of            2001.

**NOTE:** This writ may 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 resides at #64 Moonbean Drive, Newlands.
2. The Defendant resides at Northward, Bodden Town.
3. The Plaintiff's claim against the defendant is for the payment of the principal sum of C.I.\$5039.00 being the outstanding balance due and owing in respect of rent, utilities and reconnection fee.

## PARTICULARS

1. On or about September 25<sup>th</sup> 2000, the Plaintiff entered into an oral agreement with the Defendant to rent to her Apartment #7, Tropical Manor, George Town, Grand Cayman for the sum of CI\$1100.00 per month, payable at the end of each month.
2. The Defendant entered the said premises and made monthly payments until February 2001. She left the said premises without giving notice on or about May 11, 2001 owing the Plaintiff rental and utilities for March, April and May.
3. The Plaintiff has made several attempts to recover the sums outstanding, but the Defendant has refused to pay.

### **AND THE PLAINTIFF CLAIMS:**

1. Payment of the said sum of CI\$5039.00
2. Costs.

NOTE: If within the time for returning the Acknowledgement of Service the Defendant pays the total amount claimed of C\$5039.00 plus costs, further proceedings will be stayed. The money must be paid directly to the Plaintiff.

Dated this *14<sup>th</sup>* day of *August* 2001.

*Richard Harford*

RICHARD HARFORD  
PLAINTIFF

ISSUED by RICHARD HARFORD of #64 Moonbean Drive, Newlands, Bodden Town,  
Grand Cayman.

**Acknowledgment of service of writ of summons (O.12, r.3)**

**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 495G, 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 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 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*

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BETWEEN: RICHARD HARFORD

PLAINTIFF

AND: MAXINE STEWART

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/she may have to pay the costs of applying to set it aside.

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1. State the full name of the Defendants by whom or on whose behalf the service of the Writ of Summons is being acknowledged.
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2. State whether the Defendant intends to contest the proceedings (tick where appropriate)

Yes

No

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he/she 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:

**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, she must give her post box number and the physical address of her residence or, if the Defendant does not reside in the Cayman Islands, she 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.

Endorsement by plaintiff's attorney (or by plaintiff if suing in person) of his name, address and reference, if any in the box below.

Richard Harford  
64 Moonbeam Drive  
Newlands  
Bodden Town, Grand Cayman

Endorsement 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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