

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 491 OF 2001

BETWEEN:

CAYMAN NATIONAL BANK LTD.

✓

Plaintiff

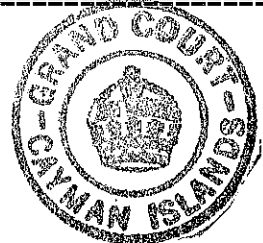
AND

DUKE TIBBETTS

Defendant

WRIT OF SUMMONS

TO: Duke Tibbetts
P.O. Box 843, GT,
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, P.O. Box 495GT, 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 27 day of August 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 Acknowledgment of Service are given with the accompanying form.


STATEMENT OF CLAIM

1. The Plaintiff, hereinafter also referred to as the "Creditor" is a bank and trust company licensed under the Bank and Trust Companies Law, with Registered Offices in the Cayman National Bank Building, P.O. Box 1097, George Town, Grand Cayman.
2. The Defendant hereinafter referred to as the "Debtor" has a postal address of P.O. Box 843, George Town, Grand Cayman.
3. The Plaintiff's claim is for the principal sum of CI\$2,648.91 being the balance owing on a loan account extended by the Plaintiff to the Debtor and bearing interest at the rate of 13.0% per annum. The account is currently in arrears in the amount of CI\$2,648.91 and interest is presently accruing at a daily rate of CI\$0.96 per day. Interest due on this account to June 1, 2001 is CI\$186.49.
4. The Defendant has failed to make satisfactory proposals to the Plaintiff in order to settle her debt to the Plaintiff.

AND THE PLAINTIFF CLAIMS

- i. CI\$2,648.91 being monies outstanding to the Plaintiff further to the above referenced loan.
- ii. Arrears of CI\$2,648.91.
- iii. Interest in the amount of CI\$186.49 to June 1, 2001 and at the rate of 13.0% per annum or CI\$0.96 per day to date of repayment of the loan.
- iv. Fixed costs of CI\$500.00 pursuant to GCR O. 62 r. 1(c) plus the fee payable for filing of this Writ of CI\$150.00.

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


O. L. PANTON & COMPANY
Attorneys-at-Law for the Plaintiff herein

THIS WRIT was issued by Messrs. O. L. Panton & Company, Attorneys-at-Law, Pansons Building, Crewe Road, P.O. Box 876, George Town, Grand Cayman, for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law.

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 acknowledgment of 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

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 authorized 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.

BETWEEN:

CAYMAN NATIONAL BANK LTD.

Plaintiff

AND

DUKE TIBBETTS

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 cost 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.

[] 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 judgment entered by the Plaintiff.

[] 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 location 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 principle office.

Indorsement by Plaintiffs attorney (or by the Plaintiff if suing in person) of his name, address and reference, if any, below.

A. Dwight Panton
Attorney-at -Law for the Plaintiff
O.L. Panton & Company
Pansons Building, 350 Crewe Road
PO Box 875/876, GT,
Grand Cayman

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