

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HELD AT GEORGE TOWN GRAND CAYMAN

CAUSE NO <sup>514</sup> OF 2001

BETWEEN                      BIG W CONSTRUCTION                      PLAINTIFF  
AND                              CAMPBELLS CONSTRUCTION                      DEFENDANT

WRIT OF SUMMONS

To: Mr Karl Campbell  
Campbells Construction  
Grand Cayman  
Cayman Islands

AUG 28 2001

THIS WRIT OF SUMMONS has been issued against you by the abovenamed Plaintiff in respect of the claim set out on the next page

Within (14 days) after the service of the Writ on you counting the day of service you must either satisfy the claim or return to the Court office P.O. Box 495 G.T. Grand Cayman Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest the 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                      2000

NOTE- This writ may not be served later than 4 calendar months ( or if leave is required for 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. By subcontractors agreement dated 27/11/2000 the Plaintiff undertook to tile 3,500 sq. at the contract price of C.I.\$1.00 per Sq. Foot the work to be done to a house in Savannah Grand Cayman.
2. The Defendant has to date not paid the Plaintiff any of this sum although the work was completed. The contract date was 27<sup>th</sup> November 2000.
- 3 Further the Defendant is in Breach of Contract as the contract aforementioned called as well for marble work to be done by the Plaintiff valued at C.I.\$3,600.00. At the last minute the Defendant brought in someone other than the Plaintiff to complete this aspect of the job.
- 4 In addition to the Contract work the Plaintiff did alterations to the bathroom of the said house at the request of the Defendant and there remains to be paid the sum of C.I.\$ 112.00 in respect of this latter job

The Plaintiff therefore claims:

- A The full amount of the debt due to him
- B Costs
- C interest

If within the time for returning the acknowledgement 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 his attorney.

*Keith Collins & Co*  
Keith Collins & Co.

This Writ was issued by Keith Collins & Co. Attorneys at Law for and on behalf of the Plaintiff herein whose address for service is c/o of his said Attorneys of Elizabethan Square P.O. Box 2250 G.T. Grand Cayman Cayman Islands.

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CAUSE NO <sup>514</sup> OF 2000

BETWEEN                      BIG W CONSTRUCTION                      PLAINTIFF  
AND                              CAMPBELLS CONSTRUCTION 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 may have to  
pay the costs of setting 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 appropriately )

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 hereby acknowledged

(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 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.*

Keith Collins & Co.  
Elizabethan Sq.  
George Town, Grand Cayman  
Tel: 9164298

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

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*

## 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 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.