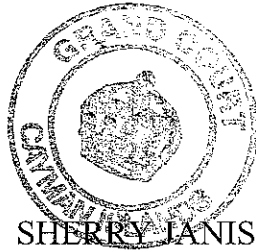


**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO. 612 OF 2001  
Legal Aid Certificate No. 93/01

BETWEEN:



SHERRY JANIS CHISHOLM

Petitioner

- and -

CARLOS PETERSON FORBES JNR.

Defendant

**WRIT OF SUMMONS**

TO: CARLOS PETERSON FORBES JNR. of 702 Frank Sound Road, North Side, Grand Cayman, Cayman Islands.

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 2<sup>nd</sup> day of October, 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 Defendant is and has been at all material times the sole registered proprietor of Parcel 21 of Block 58A in the Midland East Registration Section of Grand Cayman (“the Property”).
2. The Plaintiff has cohabited with the Defendant at the Property since early summer 1981 until 14<sup>th</sup> of July 2001. During that period the Defendant and the Plaintiff lived together as man and wife.
3. Prior to cohabitation, the parties had had a relationship for 2 years and Carlo Antonio Forbes was born to the parties on 11<sup>th</sup> of December 1979. Throughout the parties’ association and at the time it came to an end, on the 14<sup>th</sup> of July 2001, the parties were living in the Property situate at 702 Frank Sound Road, North Side, Grand Cayman. The Plaintiff has since been evicted from the Property by the Defendant.

**PARTICULARS**

4. During their association, the Plaintiff treated the Property as her own and expended various amounts of money for many improvements which include, but are not limited to, as follows:

Five Loads of Top Soil @ \$120.00	CIS\$600.00 (20 years ago)
Plumbing works	\$350.00
Repairs to Dryer	\$150.00
One White Vanity	\$112.95
One White Marble Top	\$ 48.95
One Faucet for Tub	\$ 45.00
One Faucet for basin	\$ 18.95
One Toilet	\$109.95
One Tub	\$134.95
Two Toilet Seats (26.95 ea)	\$ 53.90
One Ceiling Fan	\$150.00

Two Ceiling Fans (100.00ea)	\$200.00
One Floor Fan	\$ 55.00
Four pieces PVC Piping (drains)	\$ 48.00
Air Conditioner Installation	\$ 50.00
Painting of house (interior/exterior) (Plaintiff and son)	\$600.00
Fridge maintenance(5-6 yrs)	\$135.00
100 sq ft wall tiles @ \$2 per sq ft	\$200.00 (installation fee)
10 boxes Wall Tile	\$137.41
12 ft plastic trim @ \$12 ea	\$ 12.00
One Bag Wall Grout	\$ 10.00
One Gallon Mastic	\$ 18.00
One 3 Gallon Mastic	\$ 44.00
Sundry Items	\$ 74.50
Trimming	\$ 74.70

In or about May 2001, the Defendant acknowledged the Plaintiff's contribution to his property and accordingly offered her the sum of C\$25,000.00.

- In addition, the Plaintiff was gifted a 1993 Mercury Cougar Licence Number 82 939 ("the Vehicle"), in or about March 2000, by the Defendant and she has maintained and treated the Vehicle as her own since receiving it. Since the association ended the Defendant has denied that the vehicle was a gift to the Plaintiff. The Vehicle is presently in the physical possession of the parties' son. It remains in the Defendant's ownership.

#### PARTICULARS

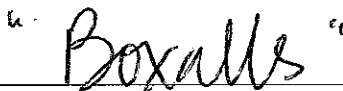
Expenditure on car (4 tyres - \$75ea)	C\$300.00
Starter for car	\$170.99
Installation of starter	\$100.00
Repair inside paneling	\$ 75.00
Inspection and Licence	\$105.00
Repairing Lights/Horn	\$ 44.50

- The Plaintiff is entitled to and claims interest pursuant to section 34(1) of the Judicature Law (1995 Revision).

AND THE PLAINTIFF CLAIMS:

1. That the sum of CI\$25,000.00 be awarded to the Plaintiff;
2. That Title to the Vehicle be transferred into the name of the Plaintiff absolutely or alternatively the sum of CI\$5,000.00 be paid to the Plaintiff for the value thereof.
- 3 Interest as aforesaid;
4. Further or other relief; and
5. Costs.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$25,000.00 plus interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

  
\_\_\_\_\_  
BOXALLS  
Attorneys for the Plaintiff

This Writ 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, British West Indies (Reference: 2011-0001/AMW).

**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 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 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**

**CAUSE NO. OF 2001  
Legal Aid Certificate No. 93/01**

**BETWEEN:**

**SHERRY JANIS CHISHOLM**

Plaintiff

- and -

**CARLOS PETERSON FORBES JR.**

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.**

**CARLOS PETERSON FORBES JR.**

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**2. State whether the Defendant intends to contest or otherwise participate in 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 judgment entered by the Plaintiff (*tick box*).**

yes

**Service of the Writ of Summons is acknowledged accordingly.**

**Attorney for the Defendant**

**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.

Boxalls  
Attorneys-at-Law  
PO Box 1234GT  
George Town  
Grand Cayman, Cayman  
Islands  
British West Indies  
Reference: 2011-0001/  
AMW

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