

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. <sup>636</sup> of 2001

BETWEEN:

CIBC BANK AND TRUST COMPANY  
(CAYMAN) LTD

PLAINTIFF ✓

AND:

CLIFTON NEVIS BODDEN  
FLOYD BODDEN

FIRST DEFENDANT  
SECOND DEFENDANT

WRIT OF SUMMONS

TO: Clifton Nevis Bodden, PO Box 2011GT, Grand Cayman  
TO: Floyd Bodden c/o PO Box 695 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 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 Acknowledgement of Service stating therein whether you intend to contest these proceedings.

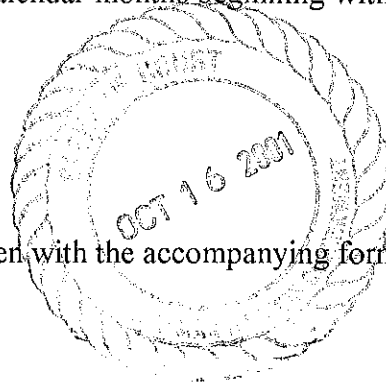
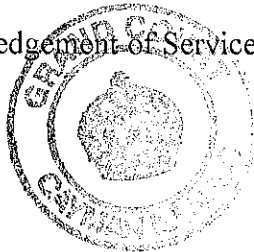
If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further 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 16<sup>th</sup> day of October 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. The Plaintiff has at all material times carried on the business of banking within the Cayman Islands and has at all such times been the holder of a category "A" License under the Banks and Trust Companies Law (1995 Revision).
2. The Defendants were at all material times customers of the Plaintiff.
3. On or about 19<sup>th</sup> October 1998, the Plaintiff loaned to the Defendants the sum of CI\$130,000.00 to assist with the construction of a triplex at land registered as George Town Central, Block 14CF, Parcel 85.
4. Such loan was evidenced by a Commitment Letter dated 19<sup>th</sup> October 1998 signed by the Defendants.
5. The said Commitment Letter made provision for, inter alia, payment of the outstanding sum by way of monthly payments of CI\$1,416.94 representing a blended payment of principal and interest amortised over 15 years.
6. The said Commitment Letter also provided for interest to be payable on the outstanding sums at the rate of 2% per annum over the prime rate for Cayman Island Dollars or such other rate as the Chargee shall, from time to time, specify with the effective rate as of 19<sup>th</sup> October 1998 being 10.25% per annum.
7. On or about April 2001, the Defendants failed to pay the said monthly sums due.
8. By a letter from Ritch & Conolly, Attorneys for the Plaintiff, dated 20<sup>th</sup> July 2001, a demand was served on the First Defendant. Further, by a letter dated 11<sup>th</sup> September 2001, demand was served on the Second Defendant. Both demands claimed the sum of CI\$121,921.96.
9. Despite such demands, the First and Second Defendants have failed to pay the said sum of CI\$121,921.96.

AND THE PLAINTIFF CLAIMS as against the First and Second Defendant:-

1. The said sum of CI\$121,921.96;
2. Interest at the aforesaid rate currently being 7.5% per annum equivalent to CI\$25.05 per day until Judgment or sooner payment, whichever is the earlier;
3. Costs;

4. Further or other relief as this Honourable Court may deem just.

Dated this *17<sup>th</sup>* day of October 2001.

*Ritch & Conolly*  
Ritch & Conolly

**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\$121,921.96 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 First Defendant of PO Box 2011 GT, Grand Cayman  
AND TO: The Second Defendant c/o PO Box 695GT, Grand Cayman

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 036 OF 2001

BETWEEN:

CIBC BANK AND TRUST COMPANY  
CAYMAN LTD

PLAINTIFF

AND:

CLIFTON NEVIS BODDEN  
FLOYD BODDEN

FIRST DEFENDANT  
SECOND 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes

No

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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/Bodden - #8438

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