



IN THE GRAND COURT OF THE CAYMAN ISLANDS

759

CAUSE NO: OF 2001

B E T W E E N:



O B M L I M I T E D

Plaintiff

AND

D E B B I E G U S H L A K

Defendant

WRIT OF SUMMONS

TO: Debbie Gushlak
P.O. Box 31485 SMB
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, P.O. Box 495G, 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 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: 6th December 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 is a company incorporated pursuant to the laws of the Cayman Islands and carries on business in the Cayman Islands as a provider of architecture, design and other services.
2. The Defendant, Debbie Gushlak, is a resident of the Cayman Islands.
3. The Plaintiff and Defendant entered into verbal agreement whereby the Plaintiff would provide certain design services to the Defendant and the Defendant would honour all invoices rendered by the Plaintiff in relation to completed services.
4. The Plaintiff did complete requested services and rendered the following invoices:
 - a. Project # GU00173 GUSHLAK

Invoice Date	Invoice Number	Amount in C\$
Previous Balance		(C\$5035.00)
30Nov00	911054	7728.36
31Dec00	9012032	3290.72
31Jan01	101030	52.67
28Feb01	102031	1709.48
31Mar01	103024	744.41
Balance due this project		C\$8490.64

- b. Project #GU00174 GUSHLAK

Invoice Date	Invoice Number	Amount in C\$
31Oct00	21691	1680.00
30Nov00	911055	859.80
31Jan01	101031	1760.00
28Feb01	102032	2357.60
31Mar01	103025	1740.00
30Apr01	104029	60.00
Balance due this project		C\$8457.40

- c. Project #GU00183 DEBBGUS

Invoice Date	Invoice Number	Amount in C\$
Previous Balance		(8291.84)
30Nov00	911057	8627.82
31Dec00	9012033	580.00

31Jan01	101032	1171.39
30Apr01	104030	9.90
Balance due this Project		CI\$2097.27

5. Invoices were due 30 days following rendering and, accordingly, interest is claimed on each unpaid invoice from 30 days of the rendering of each invoice. Accordingly, interest totaling CI\$1152.10 is claimed in calculated as set out in Schedule A of this Statement of Claim
6. The Defendant has refused or otherwise failed to pay the invoices as rendered. The said refusal or failure to pay the invoices is a breach of the pleaded agreement.
7. As of the date of the issuance of this claim, the principal sum of CI\$19,045.31, exclusive of costs and interest, remains due and owing by the Defendant to the Plaintiff for services and invoices rendered under the said agreement. .
8. In addition to the principal sum due as set about above, the Plaintiff is entitled to interest on each invoice from the date of rendering same the rate of interest being that as established pursuant to the Judicature Law (1995 Revision).
9. Numerous requests have been made of the Defendants to make payment on the due sum but the Defendants have not made payment.

AND THE PLAINTIFF claims:

1. CI\$19,045.31 principal on the above pleaded unpaid accounts;
2. Pre-judgment and post-judgment interest upon the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules as prescribed from time to time; and
3. Costs as taxed.

Dated: *6 December 2001*

Hunter & Hunter

 Hunter & Hunter
 Attorneys-at-Law for the Plaintiff

INDORSEMENT

The amount claimed in respect of the debt or demand is CI\$19,045.31 as principal and CI\$1152.10 as interest until the issue of the writ of summons for a total amount of CI\$20197.41. The amount of the fixed costs is CI\$500.00 and the costs of issuing the writ of summons is CI\$240.45 (CI\$150.00 + ad valorem calculation of CI\$90.45). If, within the time for returning the acknowledgement of service, the defendant pays the plaintiff or its attorneys-at-law the total amount claimed in principal and interest, the fixed costs and the costs of issuing the writ of summons, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

STATEMENT REGARDING INTEREST

- i. The prescribed rate of interest during the period up to 31 May 2001 was 8 per cent per year;
- ii. The prescribed rate of interest, during the period from 1 June 2001 to present was 6.25 per cent per year;
- iii. The date from which interest accrues is from the date of each invoice rendered as set out in the Schedules to this claim;
- iv. The total interest claimed as at the date of the issue of the writ of summons is CI\$1152.10. The amount of interest accruing each day following the issue of the writ is CI\$2.60, at 4.5% effective 1st December 2001.

THIS WRIT OF SUMMONS was issued by Hunter & Hunter, the attorneys-at-law for the Plaintiff, whose address for service is P.O. Box 190GT, George Town, Grand Cayman, Cayman Islands, British West Indies. (WAS/09004.001)

SCHEDULE

Date	Invoice No.	Amount Due	Interest to 31 May 2001 ¹	Interest from 1 June 2001 to 30 November 2001 ²
30Nov00	911054	Balance of 2693.36	107.52	84.34
31Dec00	9012032	3290.72	108.99	103.04
31Jan01	101030	52.67	1.39	1.65
28Feb01	102031	1709.48	34.46	53.53
31Mar01	103024	744.41	9.95	23.31
31Oct00	21691	1680.00	78.09	52.61
30Nov00	911055	859.80	34.32	26.92
31Jan01	101031	1760.00	46.32	55.11
28Feb01	102032	2357.60	47.53	73.82
31Mar01	103025	1740.00	23.25	54.48
30Apr01	104029	60.00	0.41	1.88
30Nov00	911057	Balance of 335.98	13.41	10.52
31Dec00	9012033	580.00	19.21	18.16
31Jan01	101032	1171.39	30.83	36.68
30Apr01	104030	9.90	0.07	.031
	Grand Total	19045.31	555.74	596.35

Total on above invoices:

Interest to 31 May 2001	CIS555.75
Interest from 1 June 2001	CIS596.35

¹ 8% per annum in accordance with The Judgement Debts (Rates of Interest) Rules 2000

² 6.25% per annum in accordance with The Judgement Debts (Rates of Interest) Rules 2001