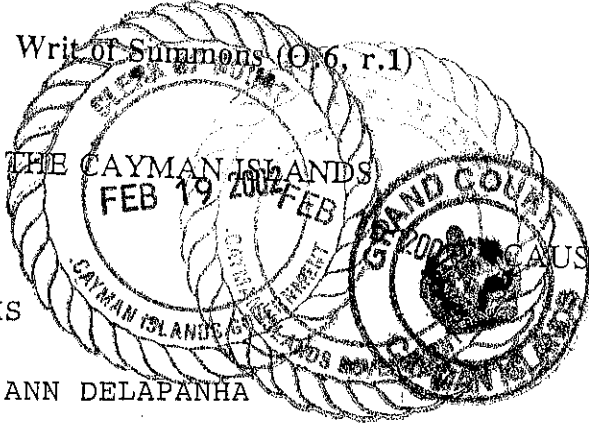


No. 1



Writ of Summons (O 6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS



FEB 19 2002

CAUSE NO: 132 OF 09

BETWEEN: CADIAN EBANKS

PLAINTIFF

AND: MISS. CATHERINE ANN DELAPANHA

DEFENDANT

WRIT OF SUMMONS

TO: MISS. CATHERINE ANN DELAPENHA P. O . BOX 11297 APO. G. C.

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 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 day of FEB. 2002

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 Building Contractor T/A. Canadian Construction Licenced in the Cayman Islands Whose Adress is P.O. Box 223 W.B. Grand Cayman
- 2 The Defendant is a National Drug Council Officer Whose Adress P.O. Box 11297 APO, Grand Cayman who work s at the Natioal Drug Council Office at Paddinton place
- 3 That on about January 25 1999 the said Defendant authorized the Plaintiff to carry out Extra work on her dwelling house at mahogany way Prospect Grand Cayman
- 4 The Plaintiff carried out the extra work to the satisfaction of the Defendant as he was authorized to do
- 5 The amount now due and owing for the cost of the extra work , for the materials, Duty, Port charges, Truckage, and Labour , Totaled C.I. 7,621. 33
- 6 Despite written efforts to collect the amount Due and owing the Defendant has refused to pay the amount due of C.I. 7,621 .33

AND THE PLAINTIFF CLAIMS

- 1 The principle sum of C.I. 7.621. 33
- 2 Intrest on the sum of C I 7.621 33 at the rate of 18 % per annum from may 6 1999 to the date of judgment or sooner
- 3 Alternatively the Plaintiff claims intrest on the said sum of C.I. 7.621. 33 pursuant to section 34 of the judicature law (1995 revision) at the rate of 4 .5 %per cent per annum from the date hereof to the date of judgment or sooner
- 4 Cost to be taxed or agreed .

Dated the 17 day of FEBRUARY 2002

Dated the 19 day of FEBRUARY 2002

Cadian Ebanks

Cadian Ebanks

THIS WRIT was issued by Cadian Ebanks the Plaintiff
address is P.O. Box 223 W.B. WEST BAY GRAND CAYMAN

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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 Plaintiffs (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 Plaintiffs 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

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Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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.

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 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 Plaintiffs (*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 plaintiffs' Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Cadian Ebanks
P.O. Box 223 WB
Grand Cayman
Cayman Islands

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

[Empty box for defendant's attorney indorsement]