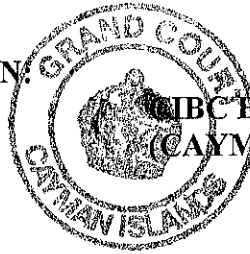


IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. 211 of 2002

BETWEEN



IBC BANK AND TRUST COMPANY  
(CAYMAN) LTD

PLAINTIFF

AND:

DON RIVERS



DEFENDANT

**WRIT OF SUMMONS**

TO: Don Rivers, PO Box 95H, 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, 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            day of March 2002.

**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 Defendant has at all material times been a customer of the Plaintiff.
3. The Plaintiff's claim is for the sum of CI\$3,477.82, being the balance of money payable by the Defendant to the Plaintiff for money lent by the Plaintiff to the Defendant as particularised herein.

## PARTICULARS

<u>Date</u>	<u>Basis of Debt</u>	<u>Amount</u>
30 <sup>th</sup> October 2001	Balance due under Bank Plan Loan, Bill of Sale Dated 3 <sup>rd</sup> August 1999	CI\$13,344.78
	Interest under Bank Plan Loan, Bill of Sale	CIS 527.88
	Miscellaneous Accumulated Interest and Costs	CIS 470.82
<b><u>Less</u></b>		
27 <sup>th</sup> Feb 02	Net proceeds received after sale of vehicle Chevrolet S10, 1999, License No. 77 699	<u>(CI\$10,865.66)</u>
	<b>Total Outstanding:</b>	<b>CIS 3,477.82</b>


4. The Plaintiff further claims interest pursuant to the said Bank Plan Loan at the rate of 12% per annum until Judgment or sooner payment.

### AND THE PLAINTIFF CLAIMS:-

1. Payment of the said sum of CI\$3,477.82;
2. Interest on the said sum from the date of issue hereof until Judgment or sooner payment at the rate of 12% per annum, being a daily sum of CI\$1.14;
3. Costs;

4. Further or other relief.

Dated the 25<sup>th</sup> day of March 2002.

  
\_\_\_\_\_  
RITCH & CONOLLY  
Attorneys at Law for the Plaintiff

**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\$3,477.82 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 Defendant of PO Box 95H, Grand Cayman

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. \_\_\_\_\_ OF 2002

BETWEEN:

CIBC BANK AND TRUST COMPANY  
CAYMAN LTD

PLAINTIFF

AND:

DON RIVERS

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 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/Rivers #8553

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

## Acknowledgement of Service of Writ of Summons

### DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgement 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, PO Box 495 GT, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 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.