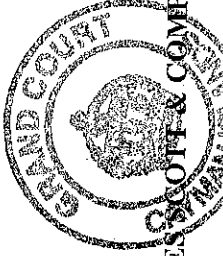


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 216 OF 2002

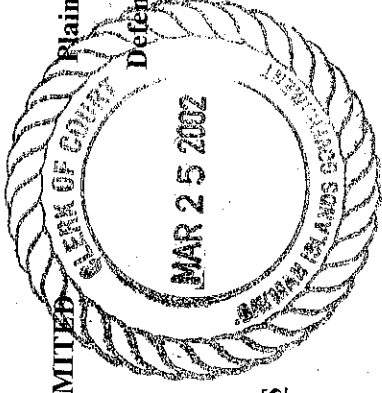


BETWEEN: JACQUES SCOTT & COMPANY LIMITED

Plaintiff

AND: WILLIAM H. HATCH

Defendant



WRIT OF SUMMONS

TO: Mr. William H. Hatch  
T/A West Bay Polo Club  
P.O. Box 1081 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 the service of this Writ of Summons on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. 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.

Issued this 25<sup>th</sup> day of March, 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 Acknowledgement of Service are given with the accompanying form.

### STATEMENT OF CLAIM

1. The Plaintiff is a company duly registered under the laws of the Cayman Islands and licensed to carry on business as wholesalers and retailers of, *inter alia*, liquor, beer and wine in the Cayman Islands.
2. The Defendant is a resident in the Cayman Islands and at all material times, represented himself to be the Owner of The West Bay Polo Club Ltd., previously located at Seven Mile Shops, West Bay Road, Grand Cayman, Cayman Islands, which was a company licensed and incorporated to carry out business in the Cayman Islands but which was struck from the Company's Register on 28 February 2002.
3. The Defendant signed a Promissory Note on the 20<sup>th</sup> July 2000 in which he promised to pay to the Plaintiff monthly instalments in the amount of CI\$1,400 towards the repayment of CI\$25,086.83 together with interest thereon. The Plaintiff intends to rely on the Promissory Note at the trial for its full terms and legal effect.
4. By the said Promissory Note, the Defendants agreed, *inter alia*, to pay to the Plaintiff the amount of \$25,086.83, together with interest from the date thereof on unpaid principal at the rate of one and a half per cent (1 ½%) per month.
5. The Defendant made payments to the Plaintiff in the total sum of CI\$4,600 leaving a balance due including interest of CI\$23,622.87. The date of the last payment was made on or about April, 2001.
6. By letter dated the 28th January 2002, the Plaintiff, by its Attorneys-at-Law, demanded payment of the outstanding amount which as at 31st December 2001, stood at CI\$23,622.87.

**AND THE PLAINTIFF CLAIMS:-**

1. The sum of CI\$23,622.87.
2. Pre-Judgement interest thereon at the rate of 1½% per month calculated on a daily basis from the 1<sup>st</sup> January 2002 to the date of the issue of the Writ being \$862.10.
3. Post-Judgement interest thereafter pursuant to the agreed rate of 1 ½% per month.
4. Costs.

**STATEMENT REGARDING INTEREST**

- (i) The rate of Pre-Judgement Interest claimed is 1 ½% per month calculated on a daily basis.
- (ii) The date from which interest is calculated is 1<sup>st</sup> January 2002.
- (iii) The amount of interest accruing hereafter is CI\$11.65 per diem.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$24,848.97 (excluding fixed costs of CI\$500.00 and filing fees of CI\$150.00) further proceedings will be stayed. The money must be paid to the Plaintiff.

  
**CHARLES ADAMS, RITCHIE & DUCKWORTH**  
**ATTORNEYS-AT-LAW FOR THE PLAINTIFF**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2002

BETWEEN: JACQUES SCOTT & COMPANY LIMITED Plaintiff

AND: WILLIAM H. HATCH Defendant

ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

Important. Read the accompanying direction Delay may result in judgement being entered and notes for guidance carefully before against a Defendant whereby he may have to completing this form. If any information pay the costs of applying to set it aside. required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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 judgement entered by the Plaintiff (tick box).  
 Yes

Service of the Writ is acknowledged accordingly  
\_\_\_\_\_

(Signed) .....  
[Attorney] for  
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 or principal office.

Endorsement by Plaintiff's attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

CHARLES ADAMS, RITCHIE & DUCKWORTH  
PO Box 709 GT  
Grand Cayman  
Cayman Islands

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

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

## 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.