

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 369 OF 2002

BETWEEN: RUPERT MCPHERSON PLAINTIFF

AND: JOHN SHAW DEFENDANT

**WRIT OF SUMMONS**

To: Mr. John Shaw  
Frank Sound  
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 Courts Office, P.O.Box 495, G.T., Grand Cayman the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

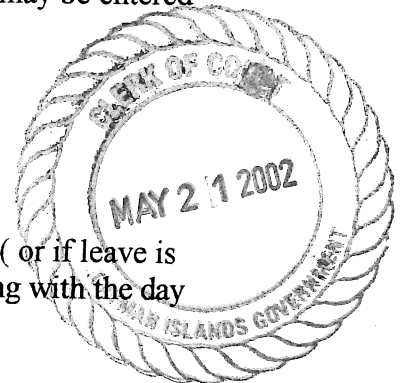
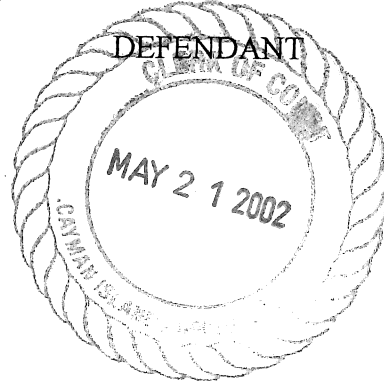
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you fail to return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

ISSUED at George Town this 22<sup>nd</sup> day of March, 2002.

NOTE: This Writ may not be served later than four (4) calendar months ( or if leave is required to effect service out of the jurisdiction, six (6) months ) beginning with the day 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 resides in Grand Cayman and is and was at all material times a sheetrock installer and finisher.
2. The defendant's last known address was Frank Sound, Grand Cayman and does business as a building contractor.
3. In or around November 2000 by an oral contract made between the plaintiff and the defendant, the defendant contracted the services of the plaintiff to do the complete installation of all sheetrock to the ceiling and walls of a dwellinghouse that the defendant was constructing for the agreed price of CI\$3,700.00.
4. Pursuant to the said contract, the plaintiff completed the installation, to include, taping, plastering and skimming of the ceiling and corner and flex beading the walls of the said dwellinghouse.
5. In breach of the said contract the defendant has refused and/or failed to pay the said sum of CI\$3,700.00 or any part thereof and the same remains due and owing to the plaintiff.

WHEREFORE THE PLAINTIFF CLAIMS FROM THE DEFENDANT:-

1. Damages or the sum of CI\$ 3,700.00 by way of damages.
2. Interest on the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment Debts ( Rates of Interest ) Rules 1996 at the rate as prescribed therein or at such rate as may be prescribed from time to time or as this Honourable Court deems just from December 1,2000;
3. Costs.
4. Further and /or other relief.

Dated this 22<sup>nd</sup> day of March, 2002.

  
Morris M Garcia



**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 495, 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 acting in person).

If a Statement of Claim is endorsed on the Writ ( ie. 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 a Statement of Claim is not endorsed 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 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 affidavit of his means. The affidavit should state any offer which the defendant desires to make for the payment of the money by installments or otherwise.

**See over for notes for guidance**

**Please complete overleaf**



IN THE GRAND COURT OF THE CAYMAN ISLANDS

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BETWEEN: RUPERT MCPHERSON PLAINTIFF  
AND: JOHN SHAW DEFENDANT

**ACKNOWLEDGMENT OF SERVICE OF THE 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 given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment 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 sum, 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 Plaintiff ( tick box )

\_\_\_\_\_ yes \_\_\_\_\_ no

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PLEASE COMPLETE OVERLEAF



Service of the Writ is acknowledged accordingly.

(Signed) \_\_\_\_\_

[ Attorney ] for:

[ Defendant in person ]

Address for service:

**Notes on address for service**

**Attorneys:** 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 acting in person ) of his name, address and reference, if any, in the box below:

Morris M Garcia  
Attorney-at-law  
P.O.Box 1185GT  
Grand Cayman

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

Filed by Morris M Garcia, Suite #2, Nevlaw Building, Grand Cayman, attorney-at-law for the Plaintiff.



## Notes for Guidance

1. Each defendant ( if there are more than one ) is required to complete an Acknowledgment 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 a 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.

