



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 514 OF 2002

IN THE MATTER OF THE GUARDIANSHIP AND CUSTODY OF CHILDREN'S  
LAW 1996 REVISION

AND IN THE MATTER OF JORDAN NEIL EBANKS ( a minor )

BETWEEN:

**ROGER NEIL EBANKS**

Plaintiff

AND

**SARA JACKSON**

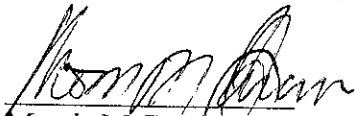
Defendant

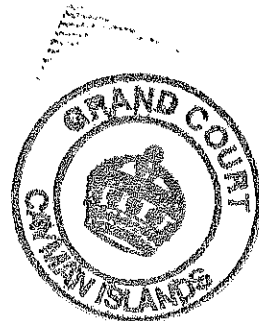
**ORIGINATING SUMMONS**

LET the Defendant, Sara Jackson, of Savannah, Grand Cayman, attend before the Judge of the Grand Court in Chambers at the Law Courts, George Town, Grand Cayman on the day of July, 2002 at 9<sup>30</sup> o'clock in the fore/afternoon on the hearing of an application by the Plaintiff, Roger Neil Ebanks, of West Bay, Grand Cayman that he be awarded sole custody of the child, Jordan Neil Ebanks born on the 4<sup>th</sup> February, 2000. 26

AND LET the Defendant within 14 days of the service of the Summons on her counting the say of service and return the accompanying Acknowledgement of Service to the Courts Office.

Dated this 10<sup>th</sup> day of July, 2002

  
Morris M Garcia  
Attorney-at-law



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BETWEEN:

**ROGER NEIL EBANKS**

Plaintiff

AND

**SARA JACKSON**

Defendant



**AFFIDAVIT**

I, Roger Neil Ebanks of West Bay, Grand Cayman, being duly sworn make oath and say as follows:

1. That I am the Plaintiff in the above matter and I make this affidavit in support of my application for custody of the minor child, Jordan Neil Ebanks. That I am the father of the said child born on February 4, 2000.
2. That the child's mother is Sara Jackson. She is of Caymanian parentage but has US citizenship. She also has two sets of passports for Jordan-Caymanian and American.
3. That I started to look after the welfare of the child even before he was born. His mother lived with me from 1997 to June, 2000. I bought the baby's crib, new born clothes and other items that were needed. I also supported Sara financially while she was pregnant.
4. That Sara and I continued to live together after the child was born. During this time, my mother and other close members of my family became involved in the child's life by helping to look after him.
5. That when the child was a few weeks old, Sara accompanied her mother to Texas with the child. While there, I received word that both her mother and brothers were using drugs at the home where the child was staying. I decided to go up to Texas to

see the situation for myself. Shortly after my arrival there, I observed that their dogs were sleeping on the sofas at night and walking all over the house during the day, dishes and clothes were often left piled up and unwashed, doors to all the bedrooms and bath rooms were gone missing and the household was generally filthy.

6. That I immediately concluded that that environment was unsuitable for a child of such tender years and I encouraged Sara to return to Cayman, which she did. Although she made subsequent visits to her mother in Texas, I was never comfortable when she carried the child with her.
7. That in Cayman, we first stayed with Sara's aunt at her rented apartment, then at my parents home and eventually at a house in my parents yard that I had built for myself.
8. That it was during those times that the child would spend time with my mother and other family members.
9. That we ceased living together around June 2001, when the child was four months old. However, between June 2001 and September 2001 Sara and I had an arrangement whereby we were rotating access of the child.
10. That the child would remain with me from Monday to Thursday and Sara would pick him up on Thursday night or Friday, sometimes Saturday depending on whether on which night or nights of the week-end she wanted to be out.
11. That in September 2001, Sara again took the child to Texas and left him there with her mother saying that he was safer there than in Cayman. However, I convinced her to go back for the child and this she did on October 25, 2001.
12. That from October to December 2001, the child lived with me at my parents' home. Sara came to see him for brief moments about three times during that period. She made various promises to come more often but never did.
13. That her visits with the child were so infrequent that when the time came for her to say goodbye to him, he would not even cry.
14. That recently the child got sick for two weeks and at no time did she make the time or effort to come to my house to look for him.
15. That Sara has no time for the child and has said so herself on previous occasions. She has also spoken about giving the child up for adoption and threatened on more than one occasion to take the child out of the jurisdiction to live with her mother in Texas.
16. That Sara's life is unstable. She is currently living with a cousin after her father ejected her from his house. She loves night life and prefers the company of friends at the expense of her child's interest.

17. That I do not believe that she can provide the child with the care and stability that are necessary in his life.
18. That when the child is with me it is a pleasure to spend time with him and play with him and spend quality time with him. I involve myself in every facet of the child's life and I would like for that to continue.
19. That I am presently employed as a boat captain making C\$325.00 per week. I live in a house by myself next to my parents yard, surrounded by family members who love and care for the child as I do. I am prepared to have a helper to assist me with looking after the child, if necessary.
20. That in December 2001, Sara and I had a minor confrontation when she came to our house and demanded to take the child to live with her. I was very concerned about the child growing up in an unstable environment and thus I was reluctant to let her have the child. At the time the Police advised me to keep the child, and I did. The child remained with me until some time in June, 2002 when the Police intervened and came and got the child. I have now observed since going to live with her that the child has grown rude and unmannerly and does not want to be chastised and disciplined. Such behaviour was not displayed by him while he was with me.
21. That I am reliably informed and verily believe the same to be true, that the Defendant has purchased a one way ticket for the child to take and leave him in Texas with her mother. She is scheduled to leave on Saturday, July 13, 2002 at 8am. She has not discussed anything of this nature with me and I believe it is not right for her to do so.
22. That I am humbly asking the Court to grant me full custody of the child and to allow me custody, care and control pending the hearing of this custody application. That I would also ask that an order be made whereby the child shall not be taken out of the jurisdiction without leave of this Honourable Court.

Sworn to at  
Grand Cayman this  
10<sup>th</sup> Day of July, 2002  
Before me

  
J. P.  
Clerk of the Court/Justice of the Peace.

x   
ROGER NEIL EBANKS

This affidavit has been filed by Morris M Garcia, Suite #2, Nevlaw Building, Grand Cayman, attorney-at-law for the Plaintiff.

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CAUSE NO. **514** OF 2002

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( 1996 REVISION )

AND IN THE MATTER OF JORDAN NEIL EBANKS ( a minor )

BETWEEN

ROGER NEIL EBANKS

Plaintiff

AND

SARA JACKSON

Defendant

**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

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**IMPORTANT:** Read the accompanying directions and notes for guidance carefully before completing this form. If any information 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 Originating Summons is being acknowledged.
2. State whether the Defendant intends to contest or otherwise participate in the proceedings.

YES

NO

Service of the Originating Summons is acknowledged accordingly.

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

Attorney for:

Defendant in person

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 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

Morris M Garcia  
P.O.Box 253Sav  
Suite #2, Nevlaw Bldg, Grand Cayman

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

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## DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

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, P.O. Box 495G, George Town, Grand Cayman.

### *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 Court's Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons*)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

NOTES

1. This Originating Summons 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 above date unless renewed by order of the Court.
2. If a Defendant does not attend personally or by his attorney at the time and place above mentioned such order will be made as the Court may deem just and expedient.

IMPORTANT:

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons is issued by Morris M Garcia, Suite #2, Nevlaw Building, George Town, Grand Cayman, attorney-at-law for the Plaintiff.