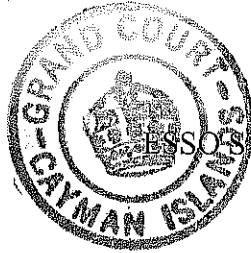


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **594** OF 2002 ✓

BETWEEN:



ESSO STANDARD OIL SA LIMITED

Plaintiff

AND:



CAYMAN NATIONAL BANK LIMITED

Defendant

WRIT OF SUMMONS

TO: CAYMAN NATIONAL BANK LIMITED, 200 Elgin Avenue, George Town, 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 on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495 GT, 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 5th day of August, 2002.

IMPORTANT

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

Esso v CNB

STATEMENT OF CLAIM

1. The Defendant drew a cheque No. 236731863 dated 21st June 2002 for CI\$10,770.00, on itself, payable to the Plaintiff.
2. The Plaintiff duly presented the cheque for payment on or about 2nd July 2002 and it was dishonoured and returned to the Plaintiff's bank (Scotiabank) marked "payment stopped".
3. The Plaintiff by fax dated Sunday, 28th July 2002, gave the Defendant notice of such dishonour but the Defendant did not pay the cheque.
4. The Plaintiff further is entitled to and claims interest on the said sum under section 34 of the Judicature Law (1995 Revision) at the rate of 4.5% per annum from 2nd July 2002 to the date hereof, being CI\$45.15 and continuing at the daily rate of CI\$ 1.33 until judgment herein or sooner payment.

AND THE PLAINTIFF CLAIMS:

- (1) CI\$10,770.00;
- (2) Interest as aforesaid;
- (3) Such further or other relief as is just;
- (4) Costs and the fees paid to issue this writ of CI\$157.70

Dated this 5th day of August 2002



BOXALLS

Attorneys-at-Law for the Plaintiff

Esso v CNB

GCR Order 6 rule 2(b) Indorsement:

If within the time for returning the Acknowledgment of Service, the Defendant pays **the total amount claimed of CI\$11,722.85** (capital debt of CI\$10,770.00 with interest being CI\$45.15, assessed costs of CI\$750.00, and the issue fees of CI\$157.70) further proceedings will be stayed. The money must be paid to BOXALLS, the Plaintiff's attorneys

This Writ and Statement of Claim was issued by Boxalls whose address for service is: PO Box 1234 GT, 3rd Floor, Queensgate House, South Church Street, Grand Cayman, British West Indies
(Reference: 0573-0021 JCC).

**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 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 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.

Please complete overleaf.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2002

BETWEEN:

ESSO STANDARD OIL SA LIMITED

Plaintiff

AND:

CAYMAN NATIONAL BANK LIMITED

Defendant

**ACKNOWLEDGMENT 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 carefully before completing this form. If any information required is omitted or 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

CAYMAN NATIONAL BANK LIMITED

2. State whether the Defendant intends to contest or otherwise participate in 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 Plaintiff (*tick box*).

yes

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 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 of 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 his 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.