

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HELD AT GEORGE TOWN, GRAND CAYMAN**

CAUSE NO. 640 OF 2002

**BETWEEN: JAMES M. BODDEN II**

**PLAINTIFF**

**AND : KAREN M. BODDEN**

**FIRST DEFENDANT**

**AND : OMEGA PROPERTIES, LTD.**

**SECOND DEFENDANT**

**WRIT OF SUMMONS**

To: Mrs. Karen Bodden & Omega Properties Ltd.  
c/o Jacques Scott & Co. Ltd.  
P.O.Box 384,  
Shedden Road,  
George Town,  
Grand Cayman, BWI



**THIS WRIT OF SUMMONS** has been issued against you by the abovementioned Plaintiff in respect of the claim set out on the next page.

Within (14 days) after the service of the Writ on you counting the day of service you must either satisfy the claim or return to the Court office P.O.Box 495 GT, Grand Cayman Islands the accompanying Acknowledgment of Service stating therein whether you intend to contest the 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        day of        , 2002

**NOTE:** This Writ may not be served later than 4 calendar months (or if leave is required for service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the court.

**IMPORTANT**

Directions for acknowledgment of service are given with the accompanying form

10. The Plaintiff subsequently registered a Caution over Spotts 24E 339 pursuant to his agreement with the Defendant.
11. That in full breach of the Agreement and despite repeated request both verbal and written the Defendant has, with malice aforethought, wrongfully and unlawfully failed to complete the said Agreement or to take any steps towards its completion.
12. Pursuant to the above, the Plaintiff is entitled to the equitable remedy of SPECIFIC PERFORMANCE.
13. That by her conduct the Defendant has caused the Plaintiff to suffer extreme financial hardship and emotional stress to wit he has been deprived of his rightful ownership, so that he may be able to sell same to cover his medical and other expenses owed by him.
14. That pursuant to investigation it has been discovered that the Defendant has allowed Omega Property Limited with malice aforethought to be stricken from the record at the Registrar of companies. Thereby impeding the Plaintiff's ability to obtain the SPECIFIC PERFORMANCE he requires in order to legally acquire full ownership as called for in original agreement.

**AND THE PLAINTIFF CLAIMS:-**

1. An Order compelling the Defendant to reinstate Omega Properties Ltd.
2. Specific Performance of the said Agreement
3. Alternatively damages in lieu of or in addition to specific performance for breach of contract at a minimum of the Appraised Value of the said property.
4. An order that the Defendant by herself or her servants and/or agents be restrained from selling, disposing or transferring the land other than to the Plaintiff.
5. An Order restraining the Defendant, her servants or agents from disposing of any funds which she may have in bank accounts within the jurisdiction of the Court including the proceeds of a pension received by her from the Cayman Islands Government as widow of the late James Manoah Bodden.
6. An order that restrains the defendant from selling any personal property, body corporate or any property that may still form a part of his late father's Estate.
7. All necessary, consequential account enquires.
8. An Order denying the Defendant leave to appeal.

## STATEMENT OF CLAIM

1. The Plaintiff is and was at all material times the son of James Bodden Senior and a Beneficiary of the said Estate.
2. The Defendant was at all material times the wife and Executrix of the estate of James Manoah Bodden Senior, deceased.
3. That James Bodden Senior died on the 7th day of May, 1988 testate.
4. That the Probate of the said was duly granted to the Defendant on or about the 18<sup>th</sup> July, 1988.
5. That by his Last Will and Testament dated 19th April, 1988 James Bodden Senior devised and bequeathed among other things two canal lots in that development, sub-division, known as Omega Gardens and owned by Omega Properties Limited to the Plaintiff.
6. That unknown to the Plaintiff the defendant wrongfully and with malice aforethought, did unlawfully sell the two said lots.
7. That on the 23rd day of June, 1998 the Defendant telephoned the Plaintiff and offered to meet with the Plaintiff and come to a settlement as it is related to any and all claims that the Plaintiff had against the Estate of his late father James Bodden Senior and a meeting was held in the lobby of the Westin Hotel pursuant to the said telephone call.
8. That by written agreement dated the 24th day of June, 1998, the Defendant agreed to transfer to the Plaintiff all that parcel of property known and described as Spotts/24E/339, being a part of Omega Properties subject to a change of zoning and all that piece and parcel of land located in Grand Exuma Island, more fully described as 10994 Bahamas Sound No. 8 in lieu of any and all claims he may have against the estate of his late father, James Bodden Senior.
9. Pursuance to the said Agreement the Plaintiff applied for and obtained planning permission from the Central Planning Authority on the 6<sup>th</sup> of July, 2001 to charge the zoning of Spotts 24E 339 so that he could take title to this lot.

AND THE PLAINTIFF CLAIMS:-

9. Prejudgement interest
10. Post judgment interest
- 11.. Costs.
12. Such further or other relief as the Honourable Court deem just and equitable.

Dated this *23rd* day of *August* 2002

*Keith Collins & Co.*  
Keith Collins & Company

To: The Clerk of the Court

And to: Karen Bodden  
C/O Jacques Scott & Co.Ltd.  
P.O. Box 384.,  
Shedden Road,  
George Town  
Grand Cayman, B.W.I.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HELD AT GEORGE TOWN, GRAND CAYMAN**

**CAUSE NO.      OF 2002**

**BETWEEN: JAMES M. BODDEN II**

**PLAINTIFF**

**AND      : KAREN M. BODDEN**(Executrix of the Estate  
James Manoah Bodden, Sr.)

**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 wrongfully THIS  
FORM MAY HAVE TO BE  
RETURNED.

Delay may result in  
judgment being entered  
against a Defendant  
whereby he may have to  
pay the cost of setting it  
aside.

1. State the full name of the Defendant b whom or on whose behalf the service of the Writ in being acknowledged

2. State whether the Defendant intends to contest the proceedings(tick appropriately)

Yes

No

3. In the claim against the Defendant is for a debt or liquidated demand and he does not intend to contest the proceedings state the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff.

Yes

Service of the Writ is hereby acknowledged  
(signed).....  
(Attorney) for  
(Defendant in Person)  
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 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.*

Keith Collins & Company  
Attorneys-at-law  
Unit 207 Elizabethan Square  
George Town  
Grand Cayman.

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

[Empty box for defendant's attorney endorsement]

### 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 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 THE 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 authorized 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.