

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 749 OF 2002

BETWEEN: WILLIAM WOOD

PLAINTIFF

AND: REXFORD WATLER

DEFENDANT

WRIT OF SUMMONS

TO: Rexford Watler,
House No. 3253,
Bodden Town Road "Shamrock",
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 495G, 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 16th day of October, 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 agreed with the Defendant that he Defendant would purchase on behalf of the Plaintiff a pickup truck. The pickup truck was to be purchased in Miami and shipped to the Cayman Islands.
2. The Defendant requested that the Plaintiff prove him with the sum of CI\$2,000.00 as a deposit for the pickup truck which was to be paid to the car dealer in Miami. On 7 December, 1999 the Plaintiff paid the sum of the CI\$2,000.00 to the Defendant as a deposit.
3. On 24 December, 1999 the Defendant that a further sum would be required by way of a deposit for the purchase of the pickup truck. Accordingly, the Plaintiff paid a further CI\$5,000.00 to the Defendant on that date.
4. Despite paying the aforementioned sum, the Defendant has failed to purchase the aforementioned pickup truck on behalf of the Plaintiff and has converted to his own use the sums of CI\$2,000.00 and CI\$5,000.00 as mentioned above.
5. The Plaintiff claims damages from the Defendant in the sum of CI\$7,000.00.
6. The Plaintiff claims interest on the aforementioned sums at the following rates:-

CI\$2,000.00

<u>Interest Rate</u>	<u>Period</u>	<u>Amount</u>
7-7/8%	10 days	CI\$ 4.32
7%	131 days	CI\$ 50.25
6¼%	519 days	CI\$177.73
		CI\$232.30

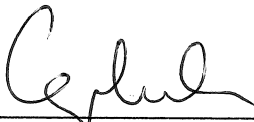
CI\$5,000.00

<u>Interest Rate</u>	<u>Period</u>	<u>Amount</u>
7%	131 days	CI\$125.61
6¼%	519 days	CI\$444.35
		CI\$569.96

Interest continues to accrue on the aforementioned sums of CI\$2,000.00 and CI\$5,000.00 at the respective daily rates of CI\$0.34 and CI\$0.86 until judgement or sooner payment.

AND THE PLAINTIFF CLAIMS:

1. Damages in the sum of CI\$2,000.00 and CI\$5,000.00. Totalling CI\$7,000.00.
2. Interest on the sum of CI\$2,000.00 amounting to CI\$232.30 to date and continuing to accrue at the daily rate of CI\$0.34 until judgement or sooner payment.
3. Interest on the sum of CI\$5,000.00 amounting to CI\$569.96 to date and continuing to accrue at the daily rate of CI\$0.86 until judgement or sooner payment.
4. Costs.



CAMPBELLS
Attorneys-at-Law
for the Plaintiff

This Writ of Summons is filed by Messrs. Campbells attorneys-at-law for the Plaintiff whose address for service is of 4th Floor, Scotiabank Building, George Town, Grand Cayman, B.W.I.

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 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 installments or otherwise.

See over for notes for guidance

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 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.

BETWEEN: WILLIAM WOOD

PLAINTIFF

AND: REXFORD WATLER

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 the Defendants whereby they 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 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 judgment entered by the Plaintiff (*tick box*).

yes

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

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.

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

Messrs. Campbells
Attorneys-at-Law
Fourth Floor,
Scotiabank Building,
P.O. Box 884,
George Town,
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.