



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 771 OF 2002

BETWEEN: MALCOLM M. STEPHENSON

PLAINTIFF

AND: (1) SHÂN STEPHENSON
(2) RONNIE STADTLANDER

DEFENDANTS



WRIT OF SUMMONS

- TO:
- (1) Ronnie Stadlander
P.O. Box 30033 SMB
The Shores
Grand Cayman
 - (2) Shân Stephenson
P.O. Box 872 GT
Apt. #1, Meridian Manor
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 Fourteen days [14] 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, P.O. Box 495, 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 22nd 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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a resident of the Cayman Islands.
2. The First and Second Defendants are residents of the Cayman Islands (hereinafter referred to as the "Defendants")
3. On the 30th day of September, 1996, the Defendants by their promissory note, promised to pay to the Plaintiff the sum of US\$100,000.00 with interest thereon at the rate of 10% per annum in the manner following, namely 89 monthly payments of, US\$1,600.00 commencing on the 15th day of December, 1996, and US\$1,600.00 on the 15th day of each succeeding month until the whole of the said sum should be fully paid, and further promised by their said note that should any payment not be made within fifteen (15) days of the due date that the agreement would be in default.
4. The Defendants duly made payments of US\$1,600.00 on the 15th day of December, 1996 and each succeeding month until the 15th day of September, 1997. Further, the following payments were made on or about the dates specified:

15 th day of December, 1997	1,600.00
15 th day of January, 1998	1,600.00
July 1998	12,800.00
March 1999	2,965.93
April 1999	3,199.54
May 1999	3,199.54
August 1999	4,880.95
December 1999	2,000.00

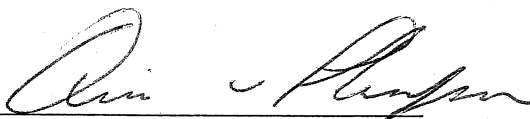
No further payments have been received.

5. Formal demand for payment of the outstanding principal of the promissory note and accrued interest was made by the plaintiff on 14 June 2002. These amounts have not been received by the Plaintiff.
6. The Plaintiff has suffered damage and claims the unpaid principal balance of the note with accrued interest.

AND THE PLAINTIFF CLAIMS:

1. The outstanding principal balance of US\$75,003.08
2. Accrued interest on the outstanding principal at the rate of 10% per annum pursuant to the promissory of US\$26,990.11 as at 17 October 2002 and continuing at the rate of US\$20.54 each day until judgment or sooner payment.
3. Costs to be taxed or agreed.

If, within the time for returning the Acknowledgment of Service, the Defendants pays the total amount claimed of US\$103,333.00 including interest and costs, all further proceedings will be stayed. The money must be paid to the Plaintiff's attorney.



QUIN & HAMPSON
Attorneys-at-Law

THIS WRIT was issued by Messrs. Quin & Hampson, Attorneys-at-Law for the Plaintiff whose address for service and correspondence is P.O. Box 1348, Third Floor, Harbour Centre, 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 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

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*.
1. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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BETWEEN: MALCOLM M. STEPHENSON PLAINTIFF

AND: (1) SHÂN STEPHENSON
(3) RONNIE STADTLANDER DEFENDANTS

ACKNOWLEDGMENT OF SERVICE

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 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. Quin & Hampson
Attorneys-at-Law
Third Floor, Harbour Centre
P.O. Box 1348
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.