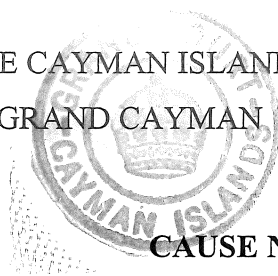


IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CIVIL JURISDICTION



CAUSE NO.

891

OF 2002

BETWEEN: ELEANOR MARIE FREESE PLAINTIFF
AND: GEORGE ARTHUR FREESE DEFENDANT

WRIT OF SUMMONS

TO: GEORGE ARTHUR FREESE
c/o PLANNING DEPARTMENT
(Plumbing Inspection Department)
Tower Building, George Town
Grand Cayman
OR
146 NORTHSIDE ROAD,
NORTH SIDE, 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, P.O. Box 495 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 judgment may be entered against you forthwith without further notice.

Issued this 6th day of December, 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.

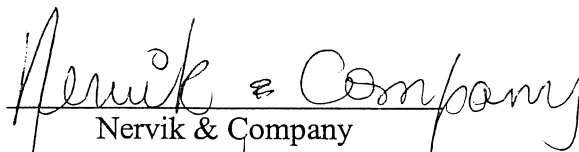
STATEMENT OF CLAIM

1. The Plaintiff is the estranged wife of the Defendant presently living at No. 102 Castlestone Dr., Elkton, MD 21921-6047. The Defendant works at the Planning Department and resides in the district of North Side, Grand Cayman.
2. The Plaintiff and the Defendant are proprietors in common of one half (1/2) share each of property and building located at Registration Section North Side Block 57E Parcel 200. The property has rental apartments, which produced income.
3. By oral agreement between the Plaintiff and the Defendant, it was agreed that he would forward to her, one half share of the rental income from the aforesaid apartments.
4. Based on the aforesaid agreement, the Defendant sent to the Plaintiff her share of the rental up until April, 2002. No further rental income has been forthcoming from the Defendant to the Plaintiff since that date.
5. The Plaintiff has made a number of oral and written demands but up to the present date, the Defendant has not paid the outstanding amount and further has refused to pay the same.
6. The Plaintiff instructed her attorney to make a formal demand for payment of CI\$5,600.00 in July, 2002, but to date, the Defendant has not been forthcoming in paying the amount owed to the Plaintiff.

AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT: -

- (i) The principal sum of CI\$11,400.00.
- (ii) An account of all such rents, profits and income received by the Defendant or by any other person or persons by his order or for his use since 1st May, 2002 and of any out-goings or charges arising in respect of the aforesaid property.
- (iii) Interest at 8 3/8% per annum from date of filing the Writ to date of Judgment and thereafter at 8 3/8% per annum from date of Judgment to date of satisfaction of the said debt.
- (iv) Costs of this action.
- (v) Such further and other relief as this Honourable Court deems fit and proper.

Dated this 6th day of December, 2002.


Nervik & Company
Attorneys-at-Law for the Plaintiff

STATEMENT REGARDING INTEREST

1. The rate of interest claimed is 8 3/8% per annum.
2. The amount of interest accruing each day from the filing of the Writ is CI\$2.62.

NOTE: If, within the time returning the Acknowledgement of Service the Defendant pays the total amount claimed of CI\$11,400.00 plus interest accrued at CI\$2.62 per day, the fixed costs and the costs of issuing the Writ of Summons and Bailiff fees, further proceedings will be stayed. The money must be paid to the Plaintiff or her attorneys-at-law.

TO: The Clerk of Courts

AND TO: The Defendant
Mr. George Freese
c/o Planning Department (Plumbing Inspection Department)
George Town, Grand Cayman

or

146 Northside Road,
North Side, Grand Cayman

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by Nervik & Company, Attorneys-at-Law for the Plaintiff herein whose address for service is that of her said attorneys, P.O. Box 31488 SMB, Elizabethan Square, Phase I, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CIVIL JURISDICTION

891
CAUSE NO. OF 2002

BETWEEN: **ELEANOR MARIE FREESE** **PLAINTIFF**
AND: **GEORGE ARTHUR FREESE** **DEFENDANT**

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF WRIT OF SUMMONS

1. 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 495 George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed 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 judgement is served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgement 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 judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, 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 its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by Attorneys acting for a guardian *ad item*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEROGE TOWN, GRAND CAYMAN
CIVIL JURISDICTION

CAUSE NO. OF 2002

BETWEEN: **ELEANOR MARIE FREESE** **PLAINTIFF**
AND: **GEORGE ARTHUR FREESE** **DEFENDANT**

ACKNOWLEDGEMENT 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 judgement 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 the appropriate answer)

_____ Yes

_____ No

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest these proceedings, state if the Defendant intends to apply for stay of execution against any judgement entered by the Plaintiff (tick answer)

_____ Yes

_____ No

Service of the Writ is acknowledged accordingly

(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 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.

Endorsement by Plaintiff's Attorney (or by Plaintiff is suing in person) of his name, address and reference, if any, in the space below:

**Nervik & Company
Attorneys-at-Law
Elizabethan Square, Phase I
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 space below.
