

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 31 OF 2003

BETWEEN:

ISLAND PAVING (1985) LIMITED

PLAINTIFF

AND:

DAVID EBANKS

DEFENDANT



WRIT OF SUMMONS

TO: Mr. David Ebanks
PO Box 275 WB
Grand Cayman
Cayman Islands

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 of Summons on you, counting the day of service, you must either satisfy the claim or return to the Courts 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 17 day of January 2003

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.

PARTICULARS OF CLAIM

1. The Plaintiff is a company incorporated in the Cayman Islands and carries on the business of construction in Grand Cayman.
2. The Defendant is a resident of the Cayman Islands.
3. By an agreement made on or about December 29th, 2000 it was agreed that in consideration of the Plaintiff extending credit facility to the Defendant, the Defendant would pay the Plaintiff the cost of the services rendered within 30 days of the date of purchase. It was also agreed that if the outstanding amount was not paid prior to the next billing date, interest would be charged thereon at the rate of 1½% per month until satisfaction.
4. In pursuance of the said agreement, the Plaintiff supplied and delivered to the Defendant the labour and material itemised in the invoices on the dates and at the costs marked thereon. Copies of the said invoices have been delivered to the Defendant.
5. A payment of CI\$800.00 was made to the Plaintiff by the Defendant on August 10, 2001.
6. By letter dated the 20th day of June 2002, the Plaintiff, through its Attorneys-at-Law demanded that the Defendant pay the sum then owed, including interest thereon.
7. Notwithstanding the said demand, the Defendant has made no further payment on this account towards the settlement of this debt.
8. As at the 17th day of January 2003 the amount due and owing to the Plaintiff by the Defendant was CI\$7,487.85(excluding costs). The outstanding amount is comprised of the following:

Price of goods and services received by the Defendant

CI\$ 6,002.40

Total interest applied to the debt	CI\$ 2,285.45
Less payment made by Defendant on Aug. 10, 2001	CI\$ 800.00

9. By reason of the matters aforesaid the Plaintiff has incurred loss and expense.


AND THE PLAINTIFF CLAIMS: -

1. The sum of CI\$7,487.85.
2. Interest.
3. Costs.

STATEMENT REGARDING INTEREST:

- i. The rate of pre-judgment interest claimed is 1½% per month calculated on a daily basis.
- ii. The date from which interest is calculated is the 30th January 2001.
- iii. The interest accruing hereafter on the outstanding balance is 4½% per month pursuant to the Judicature Law (2002 Revision).

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$7,487.85 (excluding fixed costs of CI\$250.00, filing fees of CI\$150.00 and accrued interest) further proceedings will be stayed. The money must be paid to the Plaintiff.


CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF

This Writ and Statement of Claim was filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies.

BETWEEN: ISLAND PAVING (1985) LIMITED PLAINTIFF

AND: DAVID EBANKS DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

Important. Read the accompanying Delay may result in judgment being direction and notes for guidance carefully entered against a Defendant whereby he before completing this form. If any may have to pay the costs of applying to information required is omitted or given set it aside. wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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

1. State whether the Defendant intends to contest the proceedings (tick appropriate box)

Yes No

2. 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 No

Service of the Writ is acknowledged accordingly

(Signed)
[Attorney] for
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.

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

Charles Adams, Ritchie & Duckworth
PO Box 709
Mary Street, Zephyr House
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.

[Empty box for Defendant's Attorney indorsement]

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

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 its 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.