

IN THE GRAND COURT OF THE CAYMAN ISLANDS

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CAUSE NO: OF 2003

BETWEEN:

HUNTER & HUNTER, A FIRM

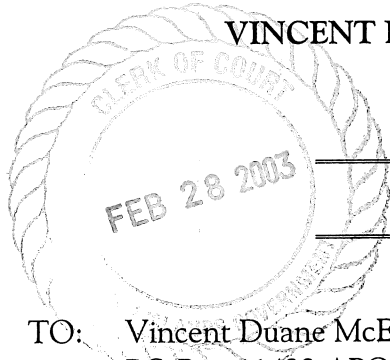


Plaintiff

AND

VINCENT DUANE MCELROY

Defendant



WRIT OF SUMMONS

TO: Vincent Duane McElroy
PO Box 11422 APO
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 on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, 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 27 day of February 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.

STATEMENT OF CLAIM

1. The Plaintiff is a law firm, whose principal place of business is located at PO Box 190 GT, 75 Fort Street, George Town, Grand Cayman.
2. The Defendant is an individual who resides in Grand Cayman, Cayman Islands.
3. On or about September 2001, the Defendant engaged the services of the Plaintiff to represent him in a criminal proceeding relating to Charge 5036/01; 5037/01. The Plaintiff firm and the Defendant agreed, either expressly or impliedly, that the engagement was on the following terms:
 - a. The Plaintiff would provide legal services to the Defendant in the stated proceeding;
 - b. The Plaintiff would render invoices for such services based on the time expended on the matter at the billable rates of the attorneys engaged on the file;
 - c. The Defendant would promptly pay invoices upon rendering;The Plaintiff did provide legal services and incurred expenses on the behalf of the Defendant.
4. On 19 December 2001, the Plaintiff rendered an invoice to the Defendant in the amount of US\$7,536.37 of which the Defendant paid US\$1,785.71. Thereafter, invoices were rendered on 3 May 2002 and 21 February 2003, each of which the Defendant did fail to promptly pay in full. Partial payments were received by the Plaintiff from the Defendant on this account on 24 April 2002, 19 August 2002 and 26 August 2002. Despite numerous demands made by the Plaintiff to the Defendant, no further payments have been received by the Plaintiff on the Defendant's account since 26 August 2002. A payment plan was set up to pay off the account at the rate of CI\$75.00 per week but there have been no payments made on the plan. The balance outstanding on the account as at that date is US\$8,677.44.
5. Therefore, the Defendant is indebted to the Plaintiff for legal services and disbursements in the amount of US\$8,677.44 plus costs of this proceeding and interest in accordance with the Judicature Law (1995 Revision).
6. As a result of the above, the Plaintiff is entitled to the relief claimed.

AND THE PLAINTIFF CLAIMS:

1. Principal in the amounts of US\$8,677.44 in respect of the above-pleaded unpaid account;
2. Pre and post Judgment Interest from 26 August 2002 in accordance with the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules as amended.
3. Costs as taxed.

Hunter & Hunter

Hunter & Hunter
Attorneys-at-Law for the Plaintiff

Plaintiff's address for service

Hunter & Hunter
Attorneys-at-Law
The Huntlaw Building
75 Fort Street
P.O. Box 190 GT
Grand Cayman
Tel: 949-4900
Fax: 949-4901
Ref: DS/08945.666

INDORSEMENT

The amount claimed in respect of the debt is US\$8,677.44 as principal and US\$198.99 interest and costs to be assessed. If, within the time for returning the acknowledgement of service, the defendant pays the plaintiff or its attorneys-at-law the total amount claimed in principal, interest and the costs of issuing the writ of summons (CI\$150.00), further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law. If no payment is made, the Plaintiff elects to have costs taxed.

INDORSEMENT REGARDING INTEREST

(Order 6 (2)(e) of the Grand Court Rules)

- i. The prescribed rate of interest during the entire relevant period from 26 August 2002 is 4.50%;
- ii. The total interest claimed as at the date of the issue of the writ of summons is US\$198.99.
- iii. The amount of interest accruing each day following the issue of the writ of summons is CI\$1.06 per day.

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, 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.

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BETWEEN:

HUNTER & HUNTER, A FIRM

Plaintiff

AND

VINCENT DUANE MCELROY

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 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 communication 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.

Hunter & Hunter
Attorneys-at-Law
75 Fort Street
P.O. Box 190 GT
Grand Cayman
Tel: 949-4900
Fax: 949-4901
Ref: DS/08945.001

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]