



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL CAUSE NO. 149 OF 2003

BETWEEN
AND

COLFORD SCOTT
(Executor of the Estate of
I.M. ELIZABETH OLSON, deceased)

PLAINTIFF

AND

S & T HOLDINGS INC.

DEFENDANT

ENDORSED WRIT OF SUMMONS



TO: S & T Holdings Inc.
C/o Broadhurst DaCosta
P.O. Box 2503 GT
40 Linwood Street
George Town
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the abovenamed 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 GT, 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 day of MAR 12 2003 2003

NOTE – This Writ may not be served later than four (4) 4 calendar months, (or if leave is required to effect service out of the jurisdiction, six (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's claim is against the Defendant to recover the sum of CI\$151,725.23 being monies due and owing under Stipulated Price Contract dated the 19th day of May 2000 for the supply of fittings and fixtures and for services rendered under the said Contract by the Plaintiffs to the Defendants between August 2001 and April 2002.
2. It was a term of the contract between the parties that on presentation of the Quantity Surveyor's Report Certificates the amounts owing would be due and payable. Certificate No. 10 dated 2nd August 2001 in the sum of CI\$19,289.16, Certificate No. 17 dated 2nd August 2001 in the sum of CI\$111,720.00 and Certificate No. 18 dated 11th April 2002 in the sum of CI\$20,716.07.
3. The Defendant has failed to make payment of the outstanding certificates and the full payment remains outstanding.
4. Further the Plaintiff is entitled to and claims interest on the said sum of CI\$151,725.23 under Section 34 of the Judicature Law (1995) Revision at the rate of CI\$18.71 per diem.

AND THE PLAINTIFF CLAIMS:

1. The sum of CI\$151,725.33;
2. Interest on the said sum under Section 34 of the Judicature Law (1995) Revision;
3. Court fees paid to issue this Writ of CI\$1,308.63; and
4. Costs

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$151,725.23 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorneys.

A. Steve McField & Associates
A. STEVE MCFIELD & ASSOCIATES
ATTORNEYS-AT-LAW FOR THE PLAINTIFFS

TO: The Clerk of Courts
Grand Cayman
Cayman Islands

AND TO: The Defendant
c/o Its Attorneys-at-law
Broadhurst DaCosta

THIS WRIT and STATEMENT OF CLAIM was issued by A. STEVE MCFIELD & ASSOICATES, of 196 Shedden Road, George Town, Grand Cayman, Attorneys-at-law for and on behalf of the Plaintiffs and whose address for service is care of their said Attorneys-at-law.

DIRECTIONS FOR ACKNOWLEDGMENT 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 495G, 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 judgment is served on the Defendant.

If the Statement of Claim is not endorsed 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 with 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 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 installments 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 28 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 of 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 authorized 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.

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CIVIL CAUSE NO. 149 OF 2002

BETWEEN
AND

COLFORD SCOTT
(Executor of the Estate of
I.M. ELIZABETH OLSON, deceased)

PLAINTIFF

AND

S & T HOLDINGS INC.

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 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.

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

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

Yes

No

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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:

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 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.

<p>A. STEVE MCFIELD & ASSOCIATES Attorneys-at-law P.O. Box 10715 APO Grand Cayman Cayman Islands</p>
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Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.

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