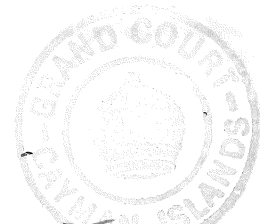


IN THE GRAND COURT OF THE CAYMAN ISLANDS



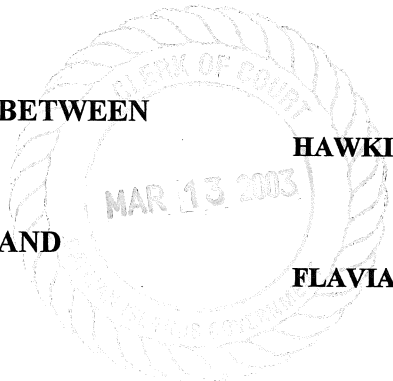
CAUSE No. 155 of 2003

BETWEEN

HAWKINS & HAWKINS INVESTMENTS LIMITED PLAINTIFF

AND

FLAVIA GARDENER DEFENDANT



**WRIT OF SUMMONS**

**TO: Flavia Gardener  
C/o The Department of Social Services  
George Town  
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 attached 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 Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment without stating that you intend to contest these proceedings, the Plaintiff may proceed with the action and Judgment may be entered against you forthwith without further notice.

Issued this                      day of March 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 herein, unless renewed by the order of the Court.

**IMPORTANT:** Directions for Acknowledgment of Service are given with this form.

## STATEMENT OF CLAIM

1. The Plaintiff is a company incorporated under the Laws of the Cayman Islands and having its registered offices at P.O Box 1992 George Town, Grand Cayman.
2. The Defendant Flavia Gardener is an individual residing in Grand Cayman, Cayman Islands.
3. That the Plaintiff and the Defendant made a Promissory Note signed by the Defendant on the 11<sup>th</sup> day of October 2002 for payment by the Defendant of the sum of \$ 7,079.60 plus legal costs of \$500, to the Plaintiff in monthly installments of the sum of \$ 250 on or before the 30<sup>th</sup> day of each and every month, beginning 2002 October.
4. That the agreement also provided that should default be made in the payment of any of the said installments, then the defendant is liable to pay to the Plaintiff, the whole balance then unpaid, with interest at the rate of 6 ¼ % per annum.
5. That by the terms of the said agreement, the Defendant was also obliged to pay all costs and expenses incurred by the Plaintiff, including legal fees relating to the default by the Defendant, or in connection with the recovery of the monies due to the Plaintiff.
6. That to date, the Defendant has only paid the sum of \$250 on account.
7. The Defendant defaulted in the payments of further installments due under the promissory note aforesaid.
8. Despite repeated demands to pay the sums due and despite repeated promises to pay the Plaintiff, no payments under the said note have been paid to date.
9. That further, by letter dated 2003 March 03 the Defendant was requested to pay the entire balance due under the said Promissory Note. She has failed /refused and / or neglected to pay.
10. As at the date hereof, the principal outstanding is \$ 6,829.60 plus legal costs of \$500, plus interest of 6 ¼ % per annum until settlement.

### **AND THE PLAINTIFF THEREFORE CLAIMS:**

1. The sum of \$ 6,829.60 plus legal costs to the date of filing in the sum of \$500.
2. Costs.

3. Interest from the date of filing to the date of payment at 6 ¼ % per annum.
4. Alternatively, costs and interest as provided for in the Law.
5. Any further or other relief as this Honourable Court deems just.

Dated this 12<sup>th</sup> day of March 2003.

Brooks & Brooks  
**BROOKS & BROOKS**  
Attorneys-at-Law for the Plaintiff

This Writ of Summons and Statement of Claim was filed by Brooks & Brooks, Attorneys-at-Law for the Plaintiff whose address for service is One Artillery Court, Shedden Road, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN

CAUSE NO 155 OF 2003

BETWEEN

HAWKINS & HAWKINS INVESTMENTS Ltd.

PLAINTIFF

AND

FLAVIA GARDENER

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 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 of Summons 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 .

Service of the Writ of Summons is acknowledged accordingly.

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**Attorney for the Defendant**

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**Defendant**

Dated the                      day of                      2002.

**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.*

*Please complete overleaf.*

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

**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.

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

**Brooks & Brooks  
Attorneys-at-Law  
One Artillery Court  
Shedden Road  
George Town  
Grand Cayman**

*Indorsement by the Defendant's Attorney ( or by the Defendant if appearing in person ) of his name, address and reference, if any, in the box below.*

[Empty box for Defendant's Attorney indorsement]