

IN THE GRAND COURT
CAYMAN ISLANDS
CAUSE NO. 25COF 2003

BETWEEN: NEVILLE W. LEVY

PLAINTIFF

AND: RUBEN MARTINEZ BARROIS

DEFENDANT

To: Ruben Martinez
West Bay



THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff in respect of claim set out in the next page.

Within fourteen (14) days of 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 495G, 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 10th April, 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, within 6 months) beginning with the date of issue unless renewed by the order of the Court.

IMPORTANT

Directions to Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The plaintiff is an Attorney.
2. The defendant lives George Town.
3. On the 19th November, 1999 the defendant asked the plaintiff to represent him in Divorce Proceedings Cause #D132/99 and promised to pay the bill on completion of the Divorce Proceedings because he had no money at the time and other lawyers had refused to help him without money.
4. On the 20th April, 2002, the Ancillary Matters were settled when the defendant signed a consent order and a bill for legal fees in the amount of \$3,020.00 was then presented to the defendant who promised to pay the following week.
5. The following week the plaintiff demanded payment of his fees but the defendant informed him that he would pay when copies of the Decree of Dissolution of the Marriage and Consent Order were made available to him.
6. On the 13th May, 2002, the plaintiff received a copy of the Decree of Dissolution of the Marriage and informed the defendant to collect the documents and pay the his fees but he has refused to do so and the amount of \$3,020.00 is still due and owing.

In addition to the principal sum of \$3,020.00 he plaintiff, it is entitled to interest from 20th April, 2002 at the rate of interest at the rate of 4.5% per annum. Interest of **\$132.17** on the principal sum is also due as of the date of the issuance of these proceedings until payment. The particulars of interest are set out in the schedule attached to the Statement of Claim.

Wherefore the plaintiff prays that the defendant be ordered to pay:

1. Principal sum = \$3,020.00
2. Interest at 4.5% p.a. from 20th April, 2002 to the 10th April, 2003 = $\$3,020.00 \times .045 \times \frac{355}{365}$
= \$132.17
3. Further interest at 4.5% per annum from 11th April, 2003 until payment
4. Costs to be taxed assessed..

Dated this 4th December , 2002



Neville W. Levy & Associates

INDORSEMENT

The amount claimed in respect of the debt is **\$3,020.00** as principal and **\$132.17** as interest until the issue of the Writ of Summons for a total of **\$3,152.17**. The amount of fixed costs is **\$250.00** and the cost of issuing this Writ of Summons is **\$150.00**. If within the time for returning the acknowledgement of service the defendants pay the plaintiff's attorneys-at-law the total amount claimed in principal and interest, the fixed costs of issuing of the Writ of Summons, further proceedings will be stayed. The money must be paid to the plaintiff's attorneys-at-law at the NevLaw Building, 180 Shedden Road.

STATEMENT REGARDING INTEREST

The prescribed rate of interest on the amount due from 20th April, 2002 to 10th April, 2003 is
4.5% per annum

If within the time for Acknowledgment of Service, the Defendant pay the total amount claimed of CI\$3,552.17 (including interest and costs) further proceedings will be stayed.

This Writ is filed by Neville W. Levy & Associates, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is Suite No.1, 180 Shedden Road, George Town, Grand Cayman, P.O Box 2178. Ph. 949-5429.

Schedule of Interest Calculated

And interest accruing at \$0.32 per day from 5th November, 2002

Interest accruing at \$0.37 per day

DIRECTIONS OF 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 Court. PO 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 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 acknowledgement of 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 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 of 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 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 Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledgment of Service, as writ served on the Defendant personally is treated as having been 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, he must complete the form 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 competed 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 its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, an Attorney acting for a guardian ad litem must complete the form.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT
CAYMAN ISLANDS

CAUSE NO. 2502003

BETWEEN: NEVILLE W. LEVY Plaintiff

AND: RUBEN MARTINEZ BARROIS Defendant

**ACKNOWLEDGEMENT HAVE
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 defendants whereby they may have to pay the costs of applying to set it aside.

1. Ruben Martinez Barrios

2. State whether the Defendants intend to contest the proceedings. (tick "yes" or "no")

3. State whether the Defendants intend to apply for a stay of execution of judgment entered by the Plaintiff (tick "yes")

Service of the Writ is acknowledged accordingly.

Signed

Attorney for Defendant

Defendant in Person

Address for service:

Notes on address for service

Attorney: Where an Attorney represents the defendant, 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.

Neville W. Levy & Associates
NevLaw Building,
180 Shedden Road,
George Town.
P. O. Box 2178.

Indorsement by Defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, below.

