

IN THE GRAND COURT OF THE CAYMAN ISLANDS

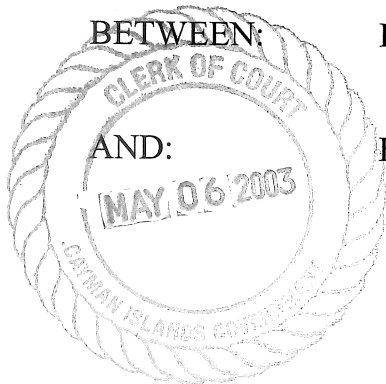
CAUSE NO. 303 of 2003

BETWEEN: BOXALLS

Plaintiff

AND: BYTR CORPORATION LIMITED

Defendant



**WRIT OF SUMMONS**

TO: BYTR CORPORATION LIMITED, of PO Box 1366GT, George Town, 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, P.O. Box 495 GT, 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 within the time stated, or if you return the Acknowledgment 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 2<sup>nd</sup> day of May 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 Acknowledgment of Service are given with the accompanying form.

**STATEMENT OF CLAIM**

1. The Defendant is a Cayman Islands ordinary company and the owner of land at North Side, Grand Cayman.
2. On or about 10 March 2000 the Plaintiff was retained by the Defendant to act in connection with a dispute with a Mr Richard Schapler. The contract for services was partly oral and partly in writing. On 1 May 2000 the Defendant paid a retainer to the Plaintiff of US\$4,000.00
3. On 17 April 2000 Mr Schapler commenced court proceedings against the Defendant under cause number 298 of 2000. The Plaintiff was instructed to file and did file an acknowledgement of service indicating the Defendant's intention to contest those proceedings.
4. The Plaintiff remained the attorneys on the record until the proceedings came to an end with the filing of a consent order on 10 October 2000 upon the settlement of the proceedings.
5. Subsequent to the consent order the Plaintiff was instructed by the Defendant to assist and did assist with carrying into effect certain terms of the settlement.
6. The Plaintiff delivered to the Defendant a total of four invoices for its services in connection with these matters as follows:

	<b>Invoice Date</b>	<b>Invoice Total</b>
(1)	12 May 2000	US\$ 5,544.82
(2)	27 June 2000	US\$17,261.78
(3)	31 August 2000	US\$14,378.51
(4)	12 February 2001	US\$ 2,651.01

7. The first invoice dated 12 May 2000 in the sum of US\$5,544.82 was paid in part from the retainer funds referred to at paragraph 3 above, leaving an outstanding balance of US\$1,544.82.

8. The total balance therefore outstanding was US\$35,836.12.
9. On 11 October 2002 and 25 March 2003 the Plaintiff made demands for payment of the said sum.
10. No further payments have been made by the Defendant to the Plaintiff.
11. In the premises, the Defendant is indebted to the Plaintiff in the sum of US\$35,836.12.
12. The Plaintiff claims interest pursuant to Section 34 of the Judicature Law (1995 Revision) at the prescribed rates or for such periods and at such rate as to the Court may seem just. A calculation of interest at the prescribed rates is set out in the Schedule attached hereto.

AND the Plaintiff claims:

1. The sum of US\$35,836.12; and
2. Interest pursuant to Section 34 of the Judicature Law (1995 Revision) at the prescribed rates, being:
  - (1) To the date hereof the sum of US\$6,022.11;
  - (2) From the date hereof the daily rate of US\$4.42, or such other rate as may be prescribed
3. Alternatively, interest as aforesaid for such periods and at such rate as to the Court may seem just;
4. Costs.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of US\$41,858.23 (including interest) and CI\$361.86 paid as the fee on the issue

hereof and CI\$500.00 fixed costs further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.

*Boxalls*

**BOXALLS**

Attorneys for the Plaintiff

This Writ of Summons and Statement of Claim and was issued by Boxalls, Attorneys at Law, whose address for service is: PO Box 1234GT, 3<sup>rd</sup> Floor, Queensgate House, South Church Street, George Town, Grand Cayman, British West Indies (EDS).

## SCHEDULE

	<b>Invoice dated 12<sup>th</sup> May 2000 O/S Balance US\$1,544.82</b>	<b>Invoice dated 27 June 2000 US\$17,261.78</b>	<b>Invoice dated 31 August 2000 US\$14,378.51</b>	<b>Invoice dated 12 February 2001 US\$2,651.01</b>	<b>TOTALS</b>
05/2000	6.27	0.00	0.00	0.00	6.27
06/2000	10.14	11.34	0.00	0.00	21.48
07/2000	10.14	113.28	0.00	0.00	123.42
08/2000	10.14	113.28	0.00	0.00	123.42
09/2000	10.14	113.28	94.36	0.00	217.78
10/2000	10.14	113.28	94.36	0.00	217.78
11/2000	10.14	113.28	94.36	0.00	217.78
12/2000	10.14	113.28	94.36	0.00	217.78
01/2001	10.14	113.28	94.36	0.00	217.78
02/2001	10.14	113.28	94.36	9.92	227.70
<b>03/2001</b> <b>7.875% ▲</b>	10.14	113.28	94.36	17.40	235.18
04/2001	10.30	115.08	95.86	17.67	238.91
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07/2001	10.30	115.08	95.86	17.67	238.91
08/2001	10.30	115.08	95.86	17.67	238.91
09/2001	10.30	115.08	95.86	17.67	238.91
10/2001	10.30	115.08	95.86	17.67	238.91
<b>11/2001</b> <b>8.00% ▲</b>	10.30	115.08	95.86	17.67	238.91
12/2001	5.79	64.73	53.92	9.94	134.38
01/2002	5.79	64.73	53.92	9.94	134.38
02/2002	5.79	64.73	53.92	9.94	134.38
03/2002	5.79	64.73	53.92	9.94	134.38
04/2002	5.79	64.73	53.92	9.94	134.38
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09/2002	5.79	64.73	53.92	9.94	134.38
10/2002	5.79	64.73	53.92	9.94	134.38
11/2002	5.79	64.73	53.92	9.94	134.38
12/2002	5.79	64.73	53.92	9.94	134.38
01/2003	5.79	64.73	53.92	9.94	134.38
02/2003	5.79	64.73	53.92	9.94	134.38
03/2003	5.79	64.73	53.92	9.94	134.38
<b>04/2003</b> <b>4.5% ▲</b>	5.79	64.73	53.92	9.94	134.38
<b>TOTALS</b>	<b>288.50</b>	<b>3,051.91</b>	<b>2,344.04</b>	<b>337.66</b>	<b>6,022.11</b>