

IN THE GRAND COURT
CAYMAN ISLANDS
CAUSE NO. 432 OF 2003



BETWEEN: LEMUEL EBANKS

PLAINTIFF

AND: VOLNEY REECE
VINTON KATO REECE

(1) DEFENANT
(2) DEFENDANT

WRIT OF SUMMONS



To: Volney Reece
Vinton Kato Reece
43 Poplar Street,
Northward, Bodden Town.

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 25^h June, 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 a business-man
2. The defendants live at 43 Poplar Street, Northward, Bodden Town.
3. On the 14th December, 1995, the plaintiff obtained judgment against Fabian Reece, the defendants' father, for payment of the sum of \$8,865.00 with interest at 8 3/8 % per annum and costs taxed at \$1,610.00. On the 30th October, 1996 an order was made that he pay the full amount by monthly installment of \$200.00. However, Fabian Reece failed to pay as ordered and in consideration of the plaintiff forgoing issuing an arrest warrant against their father, the defendants, on the 28th June, 2002, gave the plaintiff a promissory note to pay the balance of \$4,444.75 due and owing by their father by fortnightly installments of \$350.00 with 8% interest commencing on the 15th July, 2002.
4. In breach of that agreement the defendants have paid only \$2,400.00 and a balance of \$2,044.75

In addition to the principal sum of \$2,044.75 the plaintiff, it is entitled to interest from 28^h June, 2002 at the rate of interest at the rate of 8% per annum. Interest of **\$208.90** 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 | =\$2,044.75 |
| 2. Interest at 8% p.a. from 28 ^h June, 2002 to the 25 th June, 2003 | =\$208.90 |
| 3. Further interest at 8% per annum from 26 th June, 2003 until payment | |
| 4. Costs to be taxed assessed.. | |

Dated this 25th June, 2003



Neville W. Levy & Associates

INDORSEMENT

The amount claimed in respect of the debt is \$2044.75 as principal and \$201.22 as interest until the issue of the Writ of Summons for a total of \$2,245.97 The amount of fixed costs is \$250.00 and the cost of issuing this Writ of Summons is \$150.00. plus \$100.00 service fees. 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 agreed rate of interest on the amount due from 28th June, 2002 until payment is 8% per annum

If within the time for Acknowledgment of Service, the Defendant pay the total amount claimed of C1\$2,745.97 (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

Interest from 28/6/02 – 15/7/02	= \$4444.75 x .08 x 17/365	= \$16.56
Int. from 15/7/02 – 31/7/02	= \$4094.75 x .08 x 16/365	= \$14.35
Int. from 31/7/02 – 16/8/02	= \$3744.75 x .08 x 16/365	= \$13.13
Int. from 16/8/02 – 3/9/02	= \$3394.75 x .08 x 18/365	= \$13.39
Int. from 3/9/02 – 13/9/02	= \$3044.75 x .08 x 10/365	= \$ 6.67
Int. from 13/9/02 – 1/11/02	= \$2694.75 x .08 x 48/368	= \$28.35
Int. from 1/11/02 – 9/12/02	= \$2344.75 x .08 x 39/365	= \$20.04
Int. from 9/12/02 – 25/6/03	= \$2044.75 x .08 x 198/365	= \$88.74
Total		\$201.22

And interest accruing at \$0.45 per day from 26th June, 2003

Interest accruing at \$0.45 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 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 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. ⁴³² 2003

BETWEEN: LEMUEL EBANKS Plaintiff

AND: VOLNEY REECE (1) Defendant
VINTON KATO REECE (2) 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.

[Empty rectangular box for indorsement]