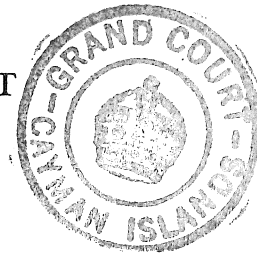


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 443 OF 2003

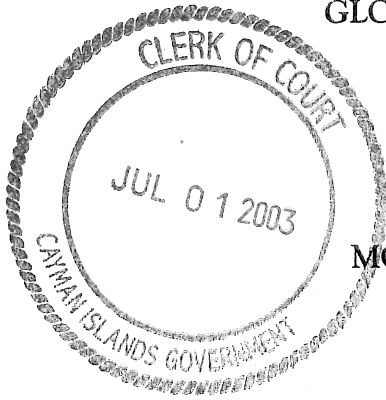
GLORINE CAROL SCOTT



Plaintiff

AND

MORRILL SCOTT SR.



Defendant

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WRIT OF SUMMONS

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To: Morrill Scott Sr.  
Selena Drive, West End,  
Cayman Brac

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 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 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 30<sup>th</sup> day of 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, 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 lives in a house located at 1679 West End Road, Cayman Brac (the "House") where she has resided at all material times.
2. The Defendant is the brother of the Plaintiff and previously resided at the said House.
3. The Plaintiff has been living at the House for over 30 years and was in fact so living there with her mother Mrs. Zenie Scott (since deceased) when the Defendant returned from the United States in January 2001 and moved into the House. At that time and until the death of the said Zenie Scott, both parties lived in the residence under license from their mother.
4. Upon the death of Zenie Scott on 17 April 2001, The Plaintiff and the Defendant continued to live in the house. By virtue of Will Trust of Zenie Scott, probated on 4 September 2002, a determinable life interest in the House was bequeathed to the Plaintiff. Clause 4 of the said Will Trust indicates that this interest may be "determined by the marriage or the death of the Plaintiff or by her written declaration to the trustees that she no longer wishes to reside in the house".
5. Since the passing of their mother, the Plaintiff complains that the Defendant has consistently engaged in conduct causing severe annoyance and distress to her in relation to her enjoyment of the House.
6. The Plaintiff has on several occasions asked the Defendant to refrain from the conduct complained of at paragraph 6 above. However, the Defendant has continued to act in the manner complained of and as a result the Plaintiff has informed the Defendant on numerous occasions that he must leave. The Defendant has been personally informed by the Plaintiff, as well as by way of letter from the Plaintiff's Attorney dated 2<sup>nd</sup> April 2003. Despite this the Defendant refused to leave the House.
7. As a result of the defendant's refusal, the Plaintiff ejected the Defendant by packing his personal effects and transferring these to a rental apartment located at


Selena Drive, West End , Cayman Brac, on 11 June 2003 where the Defendant has since been residing.

8. Notwithstanding this, the Defendant has indicated that he intends to return and as such the Plaintiff is concerned that he will return to or attempt to return to the House.
9. The Plaintiff is concerned for her own health and personal safety and believes that aside from a direct order of the Court, that the Defendant will return and cause further disruption to her and her right to quiet enjoyment of the house.
10. It was an implied term of the Defendant's license to use or remain in the House, that the same should be revocable by reasonable notice. One month constitutes reasonable notice and at any rate since service to the Defendant of the letter dated 2<sup>nd</sup> April 2003 the Defendant has now had over 2 months notice of the revocation of this license.

AND THE PLAINTIFF CLAIMS.

1. An Restraining Order directing the Defendant to remain away from the said House.
2. An Order directing the Defendant whether by himself or by his servants or agents or other wise howsoever from using the said House or from returning to or within 100 yards of the said House.

Dated the 30 day of June 2003

  
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Hunter & Hunter  
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court