

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 569 OF 2003 ✓

BETWEEN:

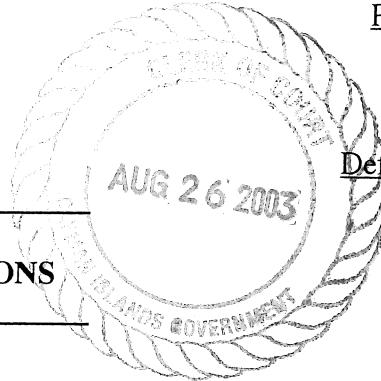
CAYMAN KITCHENS AND BATHS LTD.

Plaintiff

- and -

6363 LTD.

Defendant



WRIT OF SUMMONS

TO: 6363 LTD.
C/o Campbells Corporate Services Ltd.
P.O. Box 268 GT
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 next page.

Within fourteen (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 495GT, Grand Cayman, Cayman Islands, 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 26th day of August 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 issued unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Services are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a Cayman Islands Ordinary Company with its registered office situated at P.O. Box 1751GT, Grand Cayman, Cayman Islands doing business among other activities as an installer of kitchen cabinetry among other fixtures.
2. The Defendant is a Cayman Islands Company with its registered office situated at Campbell Corporate Services Limited of Bank of Nova Scotia Building, P.O. Box 268 GT, Grand Cayman, Cayman Islands and was a customer of the Plaintiff.
3. Pursuant to a written contract dated March 4, 1998 between the Plaintiff and the Defendant, the Plaintiff's claim is for CI\$ 3,066.53 being the balance of the price for the supply and installation of kitchen and bath cabinetry among other fixtures by the Plaintiff into the Defendant's property located at Unit #22 Cayman Club for which the Defendant has failed and or otherwise refused to pay the Plaintiff.

PARTICULARS

As to the supply and installation of the kitchen and bathroom cabinetry among other fixtures full particulars of these were set out in the Plaintiff's invoices to the Defendant.

4. The Plaintiff also claims pre-judgment and post-judgment interest as prescribed by the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules. The total interest as of August 26, 2003 amounts to CI\$ 1225.50 increasing at a per diem rate of CI\$ 1.48.

AND THE PLAINTIFF claims:

1. CI\$ 3,066.53 due under the contract;
2. Pre-judgment and post-judgment interest upon the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment (Rates of Interest) Rules amounting to CI\$1225.50 as of August 26, 2003 increasing at a per diem rate of CI\$ 1.48
3. Costs.

Dated the 26th day of August 2003



BROADHURST DaCOSTA
Attorney-at-law for the Plaintiff

This Writ of Summons and Statement of Claim is filed by Broadhurst DaCosta, Attorneys-at-Law for the Plaintiff, whose address for service is 40 Linwood Street, P.O. Box 2503 GT Grand Cayman, Cayman Islands.

INDORSEMENT

The amount claimed in respect of the debt is CI\$ 3,066.53 as principle and CI\$ 1225.50 as interest as of August 26, 2003 for a total amount of CI\$ 4292.03 increasing at per diem rate of CI\$ 1.48. The amount of the fixed costs is CI\$250.00 and the costs of issuing the Writ of Summons is CI\$150.00. If within the time for returning the Acknowledgement of Service, the Defendant pays the Plaintiff or its Attorneys-at-Law the total amount claimed in principal and interest, the fixed costs and the costs of issuing the Writ of Summons, further proceedings will be stayed. The money must be paid to the Plaintiff or to its Attorneys-at-Law.

STATEMENT REGARDING INTEREST

The interest became payable on the 14 April 1999. Pre-judgment and post-judgment interest upon the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rate of Interest Rules) was as follows:

The prescribed rate of interest pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rate of Interest Rules) was 6.25% from June 30, 2001 to November 30, 2001. There were 154 calendar days during this period. This amounts to a total interest for this period of CI\$315.70.

The prescribed rate of interest pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rate of Interest Rules) was 4.5% from November 30, 2001 to November 20, 2002. There were 635 calendar days during this period. This amounts to a total interest for this period of CI\$939.80.

The total amount of interest claimed pursuant to the Judicature Law as of November 20, 2002 is CI\$ 1,225.50.

The amount of interest accruing each day following the issue of the Writ is increasing at a per diem rate of CI\$ 1.48.

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 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.

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

**BROADHURST DaCOSTA
ATTORNEYS-AT-LAW
40 LINWOOD STREET
PO BOX 2503 GT
GEORGE TOWN, GRAND CAYMAN
CAYMAN ISLANDS, BWI**

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

DIRECTIONS FOR 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 Courts, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 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, 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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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.

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CAUSE NO. 569 OF 2003

BETWEEN:

CAYMAN KITCHENS AND BATHS LTD.

Plaintiff

- and -

6363 LTD.

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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
Yes [] No []

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 (*tick box*)
Yes []

Service of the Writ is acknowledged accordingly

(Signed) _____
[Attorney] for
Defendant in Person
Address for Service:

Please see over leaf...

Notes on address for service