



IN THE GRAND COURT OF THE CAYMAN ISLANDS  
 IN ITS ADMIRALTY JURISDICTION  
 ADMIRALTY ACTION IN REM AGAINST THE M/V KENO 2003



CAUSE NO. <sup>653</sup> OF 2003

BETWEEN A. STEVE MCFIELD & ASSOCIATES PLAINTIFF  
 AND OWNERS OF THE M/V KENO DEFENDANT

WRIT OF SUMMONS

TO: The M/V Keno  
 c/o The Clerk of the Courts  
 Grand Court  
 Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the abovenamed 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 Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the 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 <sup>9th</sup> day of October 2003

NOTE - This Writ may not be served later than four (4) calendar months, (or if leave is required to effect service out of the jurisdiction, (six (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

The Plaintiff's claim is against the Defendant for sums outstanding to the Plaintiff in the amount of Five Thousand, Eight Hundred & Sixty Five United States Dollars (US\$5,865.00), plus interest, for legal representation of the captain and owners of the vessel M/V Keno.

AND the Plaintiff claims:

1. The sum of US\$5,865.00;
2. Interest on the said sum of US\$5,865.00 at the rate of US\$0.72 per diem from the 19<sup>th</sup> day of September 2003 until payment;
3. Costs;
4. Such further and other relief as the Court deems fit.

DATED the 9<sup>th</sup> day of October 2003

A. Steve McField Associate

**A. STEVE MCFIELD & ASSOCIATES  
PLAINTIFF'S ATTORNEYS-AT-LAW**

**FILED** by **A. STEVE MCFIELD & ASSOCIATES** of No. 196 Shedden Road, Grand Cayman, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff whose address for service is that of its said Attorneys-at-law.

## DIRECTIONS FOR ACKNOWLEDGMENT 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, P.O. Box 495G, 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).
3. 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 acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.
4. 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.
5. If the Defendant fails to serve his defence with the appropriate time, the Plaintiff may enter judgment against him without further notice.
6. 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 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 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.

*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 Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 28 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 of 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 step in the proceedings without an Attorney acting on his behalf.
7. Where the Defendant is a MINOR or a MENTAL 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.



Service of the Writ is acknowledged accordingly.

(Signed) .....

[Attorney] for \_\_\_\_\_

[Defendant in person]

Address for service:

Notes on address for service:

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 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 principal office.

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

<p><b>A. STEVE MCFIELD &amp; ASSOCIATES</b> Attorneys-at-law P.O. Box 10715 APO Grand Cayman Cayman Islands</p>
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Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.

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