

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 719 OF 2003

BETWEEN:

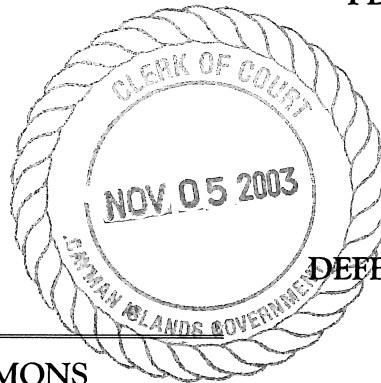
JOSEPHINE MCINTOSH

PLAINTIFF

AND

ROLLIN EBANKS

DEFENDANT



WRIT OF SUMMONS

TO: Rollin Ebanks
P.O. Box 396 WB
Grand Cayman
Cayman Islands

AND TO: Keith Collins
Attorneys-at-law
P.O. Box 2250 GT
Grand Cayman
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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, PO Box 495GT, 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 4 day of November 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

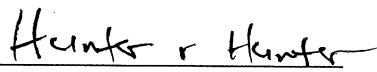
1. The Plaintiff is an individual employed by Eats Cafe and is a local resident of the Cayman Islands.
2. The Defendant is a local businessman and vendor of property in the Cayman Islands.
3. The Plaintiff on 27 November 1999 paid CI\$6,400.00 to the Defendant and on 11 February 2000 paid CI\$1,000.00 to secure the purchase of West Bay North Block 4B, Parcel 358B REM 1 (Lot #10).
4. At the time of the deposit payments the Defendant was in the process of obtaining parcel number assignments from the Lands and Survey Department on the completion of the land being subdivided.
5. The Plaintiff became sceptical of the transaction because the process of subdivision was taking unusually long and asked the Defendant for a refund, but the Defendant refused.
6. The said property was subject to a charge from Cayman National Bank ("CNB") due to a loan the Defendant had acquired from the bank.
7. CNB subsequently obtained an Order from the Court to exercise a power of sale of the property by private treaty.
8. The Plaintiff became aware of CNB sale of the said property and demanded a refund but the Defendant would not grant a partial or full refund.
9. A demand letter dated 30th May 2003 was sent to the plaintiff by the Plaintiff attorneys at law. To date the Defendant has paid CI\$1,100 in two payments of \$500.00 on 12 August 2003 and \$600.00 on 16 October 2003.
10. The total principal amount outstanding by the Defendant to the Plaintiff as of 30 November 2003 is CI\$6,300.00.

11. The Plaintiff also incurred the costs of CI\$350.00 for an evaluation of the said property.
12. As a result of the above, the Defendant is liable to the Plaintiff in the sums as set out in this Statement of Claim plus interest. The interest thereon pursuant to S. 34 of the Judicature Law (1995 Revision).

AND THE PLAINTIFF CLAIMS:

- i. CI\$6,650.00 being the principal due.
- ii. The interest thereon pursuant to S. 34 of the Judicature Law (1995 Revision).
- iii. Costs on an indemnity basis or, alternatively, standard basis in accordance with the Grand Court Rules 2003.
- iv. Such further and other relief as this Court may deem just.

If, within the time for returning the acknowledgement of service, the Defendant pays the total amount claimed of (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiffs or their attorneys.



Hunter & Hunter
Attorneys for the Plaintiffs

This Writ was issued by Hunter & Hunter, Attorneys-at-Law for and on behalf of the Plaintiffs herein whose address for service is 75 Fort Street, P.O. Box 190GT, George Town, Grand Cayman. (Ref: ZM/09381.001)

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, P.O. Box 495 GT, 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 indorsed on the Writ (i.e. the words of "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.

If the Statement of Claim is not indorsed 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 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 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 instalments 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 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 authorised 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, 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.

B E T W E E N :

JOSEPHINE MCKINTOSH

PLAINTIFF

AND

ROLLIN EBANKS

DEFENDANT

ACKNOWLEDGMENT 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

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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:

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 or 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.

Hunter & Hunter P.O. Box 190 GT The Huntlaw Building 75 Fort Street Grand Cayman (Ref: JST/09381.001)

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