

IN THE GRAND COURT OF THE CAYMAN ISLANDS

833
CAUSE NO. OF 2003

BETWEEN:

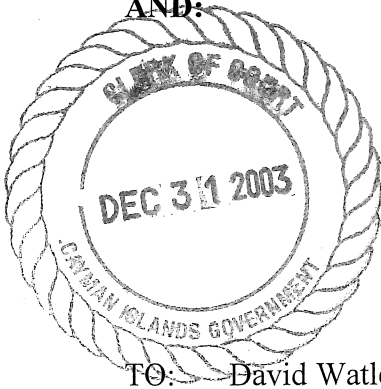
CAYMAN NATIONAL BANK LIMITED

PLAINTIFF

AND:

DAVID WATLER-LYONS
NANCY WATLER

FIRST DEFENDANT
SECOND DEFENDANT ✓



WRIT OF SUMMONS



TO: David Watler-Lyons and Nancy Watler, PO Box 30876 SMB, 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 14 days after 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 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 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 judgement may be entered against you forthwith without further notice.

ISSUED this 23rd day of December 2003.

NOTE – This Writ may not be served later than 4 calendar 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

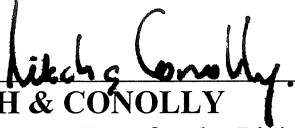
1. The Plaintiff is a Bank carrying on business at its branch at Elgin Avenue, Grand Cayman and the Defendants are customers of the Plaintiff.
2. On 12th December 2001 the Plaintiff loaned to the Defendants the sum of CI\$175,000.00. The loan is repayable on demand but pending such demand repayable in instalments of CI\$3,303.00 per month over a term of five years.
3. The agreed interest rate for the loan was the Cayman Islands Dollar prime rate, currently 4% per annum.
4. The security given by the Defendants for the loan is a lien over term deposit TD 023-01898 in the name of the First Defendant, David Watler-Lyons, stamped for US\$213,415.00 (CI\$175,000.00).
5. On 17th April 2003 the Plaintiff was served with an Order of the Grand Court directing the Plaintiff that the monies belonging to the First Defendant in accounts at the Plaintiff had been seized and should be kept in the Plaintiff's safekeeping until further Order.
6. In May 2003 the Defendants stopped making the monthly loan repayments and no payments have been received since this date.
7. On 21st July 2003 the Plaintiff contacted the First Defendant about the delinquent loan account. The First Defendant informed the Plaintiff that he was awaiting the outcome of court proceedings.
8. The Defendants' arrears currently stand at CI\$23,271.00. The principal outstanding is CI\$133,599.00 and interest has accumulated from the date of the delinquency until the date of these proceedings in the sum of CI\$2,065.00. Interest continues to accrue on the debt at the annual rate of 4%, a daily sum of CI\$15.05.

AND THE PLAINTIFF CLAIMS:-

1. Payment of the principal sum of CI\$133,599.00.
2. Interest on the principal sum of CI\$2,065.00 and continuing from the date of these proceedings until payment at a rate of 4% per annum, a daily sum of CI\$15.05.
3. Fixed costs in the sum of CI\$500.00 together with the fee payable for issuing this Writ in the sum of CI\$1,168.00

4. Further or other relief.

Dated the 23rd day of December 2003


RITCH & CONOLLY
Attorneys at Law for the Plaintiff

If, within the time limited for returning the Acknowledgement of Service the Defendant pays the amount claimed to the Plaintiff or its attorneys further proceedings will be stayed.

TO: The Clerk of the Court
AND TO: The Defendants of PO Box 30876 SMB, Grand Cayman

BETWEEN:

CAYMAN NATIONAL BANK LIMITED

PLAINTIFF

AND:

DAVID WATLER-LYONS
NANCY WATLER

FIRST DEFENDANT
SECOND 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.

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

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*)

Yes

No

Service of the Writ of Summons is acknowledged accordingly.

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

Notes on address for service

Attorney: where the Defendants are 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.

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

Messrs. Ritch & Conolly
PO Box 1994 GT
Grand Cayman

Ref: CNB/9241/Watler-Lyons

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

Acknowledgment of service of writ of summons (O.12, r.3)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgment 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 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 indorsed 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.

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 Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, 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 Acknowledgment 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.