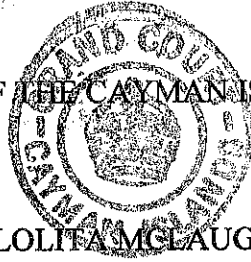


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. 23 OF 2004

BETWEEN:

LOLITA MCLAUGHLIN

PLAINTIFF

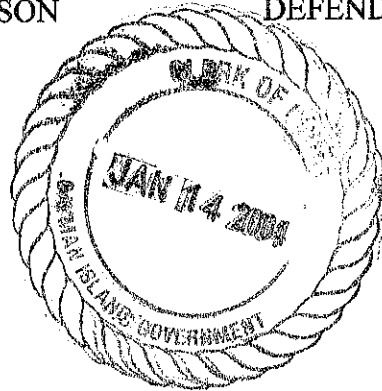
AND:

LEIGHTON G. PITTERSON

DEFENDANT

**WRIT OF SUMMONS**

To: Leighton G. Pitterson  
C/o CITN  
George Town  
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 Courts Office, P.O.Box 495, G.T., Grand Cayman the accompanying 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 fail to 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 at George Town this 14 day of January, 2004.

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 day of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff was at all material times the owner and landlord of Apartment 3, Pine crest, Grand Cayman .
2. The Defendant was at all material times a tenant of the said Plaintiff.
3. Between January and October 2003, the Defendant rented the said Apartment from the Plaintiff at the rate of CI\$800.00 per month plus utilities.
4. In or around October 2003, the Defendant vacated the Apartment resulting in a debt of CI\$3,168.03 owing to the Plaintiff, the particulars of which are as follows:

Balance owed for July 2003 rent	CI\$192.20
Rental owed for August 2003	800.00
Rental owed for Sept 2003	800.00
Rental owed for October 2003	800.00
Utility bills	
Water	199.46
Electricity	376.36

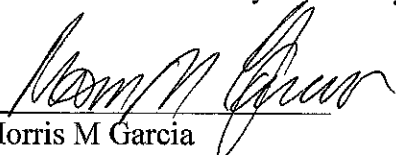
TOTAL AMOUNT OWED CI\$ 3, 168.03

5. Despite repeated demands by the Plaintiff for the payment of the above sums, the Defendant has refused, in breach of contract, to pay the monies and the said sum of CI\$3, 1768.03 remains due and owing to the Plaintiff.

WHEREFORE THE PLAINTIFF CLAIMS FROM THE DEFENDANT

- A. The said sum of CI\$3, 168.03
- B. Pre- and Post Judgment interest pursuant to Statute
- C. Costs to be taxed if not agreed.
- D. Such further and/or other order as the Court deems appropriate.

Dated this 14 day of January, 2004.

  
Morris M Garcia  
Attorney-at-law for the Plaintiff.



Service of the Writ is acknowledged accordingly.

(Signed) \_\_\_\_\_

[ Attorney] for:

[ Defendant in person ]

Address for service:

**Notes on address for service**

**Attorneys:** 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 Plaintiffs' Attorney ( or by Plaintiff if acting in person ) of his name, address and reference, if any, in the box below:

Morris M Garcia  
Attorney-at-law  
P.O.Box 1185GT  
Grand Cayman

Indorsement by defendant's attorney ( or by defendant if acting in person ) of his name, address and reference, if any, in the box below.

Filed by Morris M Garcia, Suite #2, Nevlaw Building, Grand Cayman, attorney-at-law for the Plaintiffs.

**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 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 acting in person).

If a Statement of Claim is endorsed on the Writ ( ie. 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 a 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.

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 affidavit of his means. The affidavit should state any offer which the defendant desires to make for the 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 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 a 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.