

IN THE GRAND COURT OF THE CAYMAN ISLANDS

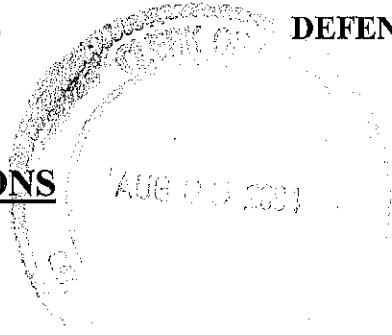
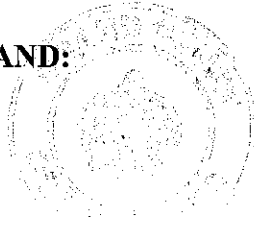
✓  
360  
CAUSE NO. OF 2004

**BETWEEN:** (1) **HELMUT MEISSNER**  
(2) **PATRICIA MEISSNER**

**PLAINTIFFS**

**AND:** (1) **CHRISTOPHER PHILLIPS**  
(2) **CHARMAINE PHILLIPS**

**DEFENDANTS**



**WRIT OF SUMMONS**

**TO: Unit #1 Block A  
160 A, Magellan Key  
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, P.O. Box 495G, George Town, 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 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 \_\_\_\_ day of August 2004.

**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 the order of the Court.

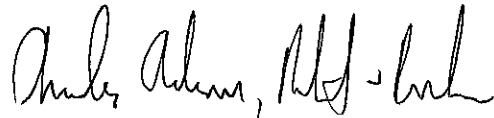
**IMPORTANT**

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

**INDORSEMENT**

The Plaintiffs Claim:-

1. Damages for breach of contract arising out of an agreement of purchase and sale entered into between the Plaintiffs and the Defendants dated 15 March 2002, arising out of and in connection with the purchase of a residential property located on the land legally described as Parcel 313H4 Block 11C in the West Bay Beach North Registration Section contained on Strata Plan No. 343 and known as Viscaya, Block B, Apartment No. 4 (the "Property").
2. Damages for negligence arising out of and in connection with the defective construction and/or design of the wine cellar at the Property.
3. Damages for negligence arising out of and in connection with physical damage caused to a table, being the property of the Plaintiffs.
4. Pre-judgment and post-judgment interest pursuant to the Judicature Law (1995 Revision) and the Judgment Debt (Rate of Interest) Rules.
5. Such further and other relief as this honourable court may allow.
6. Costs.



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**Charles Adams, Ritchie & Duckworth  
Attorneys-at-Law for the Defendants**

THIS WRIT was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, for and on behalf of the Defendants herein, whose address for service is that of their said Attorneys-at-Law, P.O. Box 709G, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

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**ACKNOWLEDGMENT OF SERVICE**  
**OF WRIT OF SUMMONS**

Important. Read the accompanying direction 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

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

Charles Adams, Ritchie & Duckworth  
PO Box 709 GT  
122 Mary Street, Zephyr House  
George Town,  
Grand Cayman

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

[Empty box for Plaintiff's Attorney indorsement]

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Defendants herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

### 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.