

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

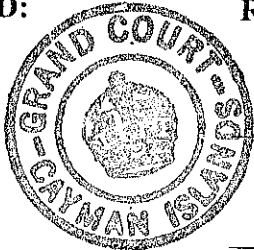
393  
CAUSE NO. OF 2004

**BETWEEN: CORA GRANT JAMES**

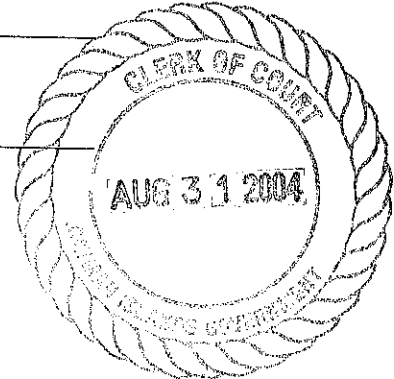
**PLAINTIFF**

**AND: RAMONA THOMPSON PHILLIPS**

**DEFENDANT**



**WRIT OF SUMMONS**



**TO: RAMONA THOMPSON PHILLIPS**  
**C/O Truman Bodden & Company**  
Attorneys-at-Law  
Box 866GT  
5<sup>th</sup> Floor  
Anderson Square Building  
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 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 31<sup>st</sup> 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 order of the Court.

**IMPORTANT**

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

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**STATEMENT OF CLAIM**

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1. At all material times the Plaintiff and the Defendant were the daughters of Geraldine Melba Smith Grant.
2. By Last Will and Testament dated 24<sup>th</sup> April 1983, Geraldine Melba Smith Grant appointed the Plaintiff as executrixes of the Will for all purposes. In addition, inter alia, she bequeathed property known as Registration Section West Bay South, Block 5, Parcel 6 (the "Property") to both the Plaintiff and the Defendant equally.
3. Geraldine Melba Smith Grant was born on the 18<sup>th</sup> January 1912. At the age of 70, she began to require assistance with her day to day living as a result of her advanced age. Approximately 12 years ago, the Defendant became the primary caregiver of Geraldine Melba Smith Grant apart from a period of one year between September 2002 and 2003, the Defendant then became the primary caregiver.

**PARTICULARS OF CARE**

- (a) Taking care of her finances;
  - (b) Shopping for groceries and other personal products;
  - (c) Other miscellaneous tasks.
4. On 1<sup>st</sup> May 2004, Geraldine Melba Smith Grant signed a Transfer of one half of the Property in favor of the Defendant.
  5. Geraldine Melba Smith Grant was induced to make sign the transfer by the undue influence and/or unconscionable conduct of the Defendant and owing to the trust and confidence she reposed in her.

### **PARTICULARS**

- (a) The Defendant was the primary caregiver of Geraldine Melba Smith Grant;
  - (b) The Defendant threatened to no longer be the primary caregiver unless Geraldine Melba Smith Grant transferred the said one half share of the Property to the Defendant.
  - (c) Due to her advanced age, state of health and dependence upon the Defendant, Geraldine Melba Smith was at a special position of disadvantage vis a vis the Defendant.
6. On 3<sup>rd</sup> July 2004, Geraldine Melba Smith Grant executed a second Transfer of the Property in favor of the Defendant transferring the remaining one half share to the Defendant.
7. Geraldine Melba Smith Grant was induced to make the Transfer by the undue influence and/or unconscionable conduct of the Defendant, and owing to the trust and confidence she reposed in her.

### **PARTICULARS**

- (a) The Defendant was the primary caregiver of Geraldine Melba Smith Grant;
  - (b) The Defendant threatened to no longer be the primary caregiver unless Geraldine Melba Smith Grant transferred the said one half share of the Property to the Defendant.
  - (c) Due to her advanced age, state of health and dependence upon the Defendant, Geraldine Melba Smith was at a special position of disadvantage vis a vis the Defendant.
8. On 3<sup>rd</sup> July, Geraldine Melba Smith Grant collapsed and was hospitalized on the 4<sup>th</sup> July 2004. She died eight days later on 12<sup>th</sup> July 2004.
9. As a result of the two Transfers the Plaintiff has suffered loss and damage.

**AND THE PLAINTIFF CLAIMS:**

1. A declaration that Geraldine Melba Smith Grant was induced to execute both transfers of the Property by the undue influence and/or unconscionable conduct of the Defendant;
2. Rescission of the two Transfers of the Property to the Defendant;
3. Further and/or in the alternative, damages;
4. An account of profits obtained from the Property since the second Transfer;
5. Costs; and
6. Such further and/or other relief.

*Campbells*

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**CAMPBELLS**

**Attorneys-at-Law for the Plaintiff**