

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

420
CAUSE NO. OF 2004

BETWEEN EDWIN MC PRENDERGAST PLAINTIFF
AND: MS DAWN WETHERELL DEFENDANT

SPECIALY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: Ms Dawn Wetherall, Apartment no. 4 Corella Drive, North Cayman Palms, Bodden Town, Grand Cayman, Cayman Islands, BWI

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 9 day of October 2004

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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. By a Tenancy Agreement dated 6th day of April 2004, the plaintiff demised to the defendant under a lease agreement the property known as Apartment no. 4, Prendergast Apartments, Corrella Drive, George Town for a term of one (1) years from 6 April 2004 at an monthly rent of CI\$600.00 payable by equal monthly payments in advance on the 4th day of each month.
2. By clause 1 of the lease the defendant covenanted to pay the rent in the manner and at the times aforesaid.
3. Clause 9 of the lease contained a proviso for re-entry in the event (among others) that the rent or any part of it was 14 days or more in arrears whether legally demanded or not.
4. The rent payable under the lease is CI\$1,800.00 in arrear.

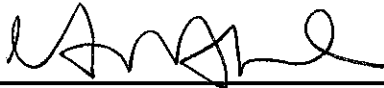
Particulars

a. 4 August 2004	CI\$600.00		
b. 4 September 2004	CI\$600.00		
c. 4 October 2004	CI\$600.00		
		Total Due	CI\$1,800.00

5. Accordingly the plaintiff is entitled to forfeit and hereby forfeits the said lease.
6. By clause 10 of the Lease the Plaintiff is entitled to charge a late charge for every day after the 4th of the month for late payment of rent of \$25.00 per day.
7. The fair letting value of the property is CI\$600.00 per week.

And the plaintiff claims:

- (1) CI\$1,800.00 arrears of rent;
- (2) Possession;
- (3) Mesne profits at the rate of CI\$150.00 per week from the date of service of the writ herein until possession is delivered up.
- (4) The plaintiff is entitled to and claims interest on item 3 and 6 above as the court thinks fit pursuant to The Judicature Law (1995 Revision), on such sums as are found to be due at the statutory rate and for such period as the Court shall think fit.
- (5) Costs



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

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BETWEEN
AND:

EDWIN MC PRENDERGAST
MS DAWN WETHERELL

PLAINTIFF
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

3. If the claim against the Defendant is for a debt or a 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: (please see overleaf)

Please complete overleaf

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.

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

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