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Date	21/10/04

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN  PETER GILLMORE

AND: FRANK GEOLO

CAUSE NO: <sup>424</sup> OF 2004 ✓

PLAINTIFF:

DEFENDANT



WRIT OF SUMMONS

TO: Frank Geolo , Sea Gem Apartments , Marina Drive, Grand Cayman, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out herein.

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, P.O. 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 Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this  OCT 23 2004 , 2004

NOTE - This Writ may not be served later than 4 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This WRIT OF SUMMONS was issued on behalf of the Plaintiff, by Keith Collins and Company, Attorneys-at-Law, whose address for service is: P.O.Box 2250 G.T., George Town, Grand Cayman, Cayman Islands, British West Indies.

### STATEMENT OF CLAIM

1. At all material times, the Plaintiff was the owner of the MV Redbeards a sports fisherman motor boat which was moored at a dock at his home #47 Trophy Crescent Prospect Grand Cayman.
2. The Plaintiff left the Cayman Islands on vacation in the U.S.A. in August 2004 and left the boat in the care of his friends Mr. & Mrs Ayers.
3. While in the U>S>A> the Plaintiff realized that a hurricane was developing in the Caribbean and contacted his friends who lengthened and doubled and retied the lines mooring the boat.
4. The hurricane "IVAN" which was a category five hurricane hit Grand Cayman on the 11<sup>th</sup>. & 12<sup>th</sup>. of September 2004 and MV Redbeards and at least four other boats were swept across the canal on to the land at "Sea Gem Apartments".
5. The Defendant who is the owner of Sea Gem Apartments has unlawfully detained the MV "Redbeards" and has refused to allow the Plaintiff on to Sea Gem Apartments to remove the boat with a crane and place it back into the canal.
6. The MV "Redbeards" has come to rest near to the apartment buildings and constitutes a danger to the occupants of the apartments as it has on board 300 galleons of fuel and is also a health hazard as it is likely to become a breeding ground for rats and insects.

#### AND THE PLAINTIFF CLAIMS:

1. A Declaration that the Defendant has unlawfully detained his boat The MV Redbeards.
2. An Order Permitting the Defendant to enter on to the Plaintiffs premises with a crane to remove his boat The MV "Redbeards"
3. Alternatively CI\$50,000.00 being the value of the boat.
4. Interest.

5. Costs.

6. Further and or/other relief.

Dated this *20<sup>th</sup>* day of *October*, 2004

  
KEITH COLLINS & COMPANY

To Bailiff: Law Courts Building  
George Town,  
Grand Cayman.

And To: Frank Geolo  
Sea Gem Apartments, Marina Drive,  
Prospect  
Grand Cayman.

This Writ of Summons was issued on behalf of the Plaintiff by Keith Collins & Company, Attorneys-at-Law, whose address for service is P.O. Box 2250 G.T. George Town, Grand Cayman, Cayman Islands, British West Indies.

## 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2004

BETWEEN: PETER GILLMORE PLAINTIFF

A N D: FRANK GEOLO DEFENDANT

ACKNOWLEDGEMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, you must give him this form IMMEDIATELY.

Important. Read the accompanying Directions and notes for guidance Carefully before completing this Form. In 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 setting it aside.

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

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2. State whether the Defendant intends to contest the proceedings.

Yes.

No. (Tick as appropriate)

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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.

Yes

(tick if appropriate)

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Service of the Writ is acknowledged accordingly.

Signed:  
(Defendant's Attorney)

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 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 Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

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

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