

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 36 OF 2005

BETWEEN KATHLEEN ANITA EDEN

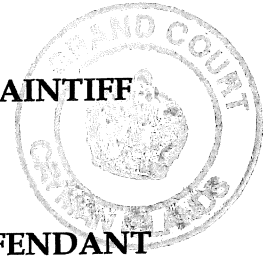
PLAINTIFF

AND THE ATTORNEY GENERAL  
OF THE CAYMAN ISLANDS

FIRST DEFENDANT

AND MC RESTORATION  
(CAYMAN) LTD.

SECOND DEFENDANT



WRIT OF SUMMONS

TO: The Hon. Attorney General,  
Attorney General's Chambers,  
Government Administration Building,  
Elgin Avenue, George Town, Grand Cayman

AND TO: MC Restoration (Cayman) Ltd.  
C/O Bodden Corporate Services Ltd.  
Grand Pavilion Corporate Centre,  
West Bay Road, 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 Court Office, P.O. Box 495G, 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 return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.**

Issued this 2<sup>nd</sup> day of February 2005

**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**

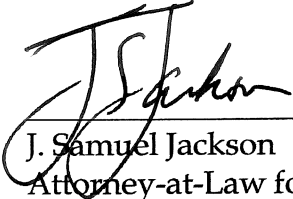
Directions for Acknowledgement of Service are given with the accompanying form.

**INDORSEMENT TO WRIT**

**AND THE PLAINTIFF CLAIMS:**

1. Damages for trespass onto and injury to the Plaintiff's lands situate at Registration Section Spotts, Block 25C, Parcels 29 and 121;
2. An Order:
  - i. Restraining the Defendants, their agents, servants or assigns from entering onto the Plaintiff's said lands without specific written authorisation of the Plaintiff or otherwise in accordance with the directions of the Court;
  - ii. Requiring the Defendants or any of them to indemnify absolutely the Plaintiff against any claims made by third parties against the Plaintiff in respect of any works conducted on the Plaintiff's lands by the Defendants, their agents, servants or assigns;
  - iii. Requiring the Defendants to undertake to forthwith commence the necessary remedial works to return the Plaintiff's lands to the condition that the same were in prior to the Defendants' trespass.
3. Costs.

Dated this 2<sup>nd</sup> day of February 2005

  
\_\_\_\_\_  
J. Samuel Jackson  
Attorney-at-Law for the Plaintiff

**THIS WRIT** is issued by J. Samuel Jackson, Attorney-at-Law acting for and on behalf of the Plaintiff whose address for service is that of her said Attorney, at The Strand, Suites 28 & 29, West Road, Grand Cayman



Yes

No

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

**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 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 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:

<p>J. Samuel Jackson,          Attorney-at-Law,          Box 10638 APO,          The Strand, Suites 28 &amp; 29,          West Bay Road, Grand Cayman</p>

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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DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgement 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 495G, 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 if acting in person).

If a Statement of Claim is endorsed on the Writ (i.e. 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 judgement is served on the Defendant.

If the defendant fails to serve his defence within 9the appropriate time, the Plaintiff may enter judgement 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 judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, but he must, within that time, *issue* a *Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments 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

Acknowledgement 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 a ( )” 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.