



IN THE GRAND COURT OF THE CAYMAN ISLANDS

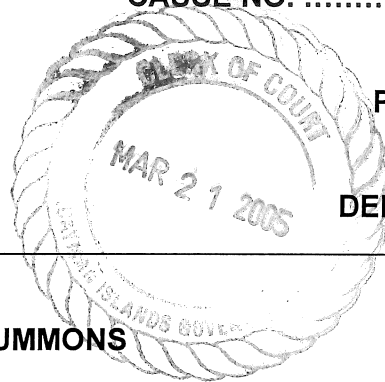
CAUSE NO. 127 OF 2005

BETWEEN: ERIC VON TIERGEN

PLAINTIFF

AND: RICHARD RAMOON

DEFENDANT



WRIT OF SUMMONS

TO: Richard Ramoon
Occupier - Parcel 1C 39
West Bay
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 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 16th day of March 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 the order of the Court.

## IMPORTANT

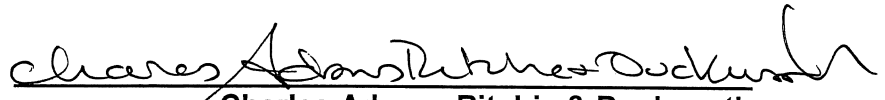
Directions for Acknowledgment of Service are given with the accompanying form.

### INDORSEMENT

The Plaintiff's claim is for:-

1. An order that the Defendant, within 14 days of the date of final judgment or such other period as this Honourable Court thinks appropriate, pull down, demolish and remove so much of that building constructed on the land legally described as Registration Section at WB NW Block 1C Parcel 23 ("Parcel 23") as encroaches upon the Plaintiff's Land, being the land legally described as Registration Section WB Block 1C Parcels 26 and 258 ("the Plaintiff's Land") and restore the Plaintiff's land to the condition that it was in before the Defendant destroyed and/or damaged same; and in default of the Defendant so doing within the aforesaid period that the Plaintiff be entitled to remove and dispose of so much of the said building as encroaches on the Plaintiff's Land;
2. An injunction restraining the Defendant, whether by himself or by his employees, contractors, servants, agents or assigns, from (a) constructing or continuing to construct the building at Parcel 23 or so much of that building as encroaches upon the Plaintiff's Land; (b) entering or crossing or remaining on the Plaintiff's Land or any part thereof; and (c) interfering in any way with the Plaintiff's Land, until further order of this Honourable Court;
3. Damages as compensation for the physical damage caused to the Plaintiff's Land as a result of the building being constructed by the Defendant on the Plaintiff's Land;
4. Further, and in the alternative, damages for trespass to the Plaintiff's Land;
5. Pre-judgment and post-judgment interest pursuant to the Judicature Law (1995 Revision) and the Judgment Debt (Rate of Interest) Rules.

6. Such further and other damages as may arise and be proved at the trial of this Cause and such further and other relief as this Honourable Court may allow.
7. Costs.

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

THIS WRIT was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, for and on behalf of the Plaintiff 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. <sup>127</sup>..... OF 2005

**BETWEEN:**                    **ERIC VON TIERGEN**                    **PLAINTIFF**  
**AND:**                         **RICHARD RAMOON**                    **DEFENDANT**

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

Important. Read the accompanying Delay may result in judgment being entered direction and notes for guidance against a Defendant whereby he may have carefully before completing this form. to pay the costs of applying to set it aside. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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

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

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

[Empty box for Defendant's Attorney indorsement]

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff 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.

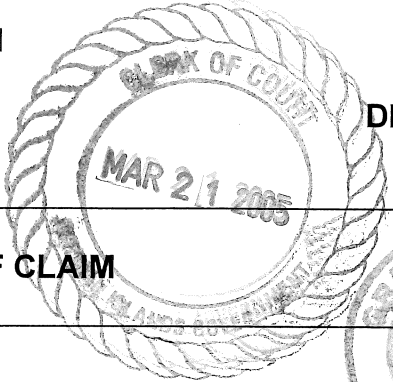
## Notes for Guidance

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 Amended 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. 127 OF 2005

**BETWEEN:**                      **ERIK VON TIERGEN**                      **PLAINTIFF**  
**AND:**                              **RICHARD RAMOON**                      **DEFENDANT**



**STATEMENT OF CLAIM**

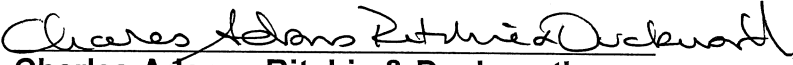
1.        The Plaintiff is an individual resident in West Bay, Grand Cayman. The Plaintiff is and was at all material times the registered owner of the properties legally described as Registration Section WB NW Parcels: 1C 26 and 1C 258 (together referred to as the "Plaintiff's Land") and having the civic address of 933 West Point Road, West Bay.
2.        The Defendant is an individual who resides on property legally described as WB NW Parcel 1C 39. The Defendant also holds himself out to be the equitable owner of property legally described as Registration Section WB NW Parcel 1C 23 (referred to as the "Parcel 23") and having the civic address of West Point Road, West Bay. The eastern and southern boundaries of Parcel 23 have not been formally determined pursuant to Section 17(2) of the Registered Land Law (2004 Revision) ("the Law").
3.        In mid February 2005 the Defendant commenced construction of a building on Parcel 23. The Defendant began constructing foundations. The foundations have been constructed partly on Parcel 23 but also partly on the Plaintiff's Land. Accordingly, the building under construction wrongfully encroaches upon the Plaintiff's Land.
4.        The Plaintiff requested the Defendant to cease the building works to allow the boundary line to be determined pursuant to Section 17(2) of the Law. The Plaintiff, through his attorneys, notified the Defendant that the building works breached planning requirements. Notwithstanding the Plaintiff's objections the Defendant has indicated by telephone that he refuses to desist from building works even for a short period to allow the parties an opportunity to resolve the disputed boundary.
5.        By reason of the Defendant's acts the Plaintiff has suffered damage to his property in that the Plaintiff's Land at and / or near the boundary has been disturbed and foundation strips constructed thereon. The Defendant has wrongfully possessed and trespassed on and in an area of the Plaintiff's

Land. It is likely that there will be greater ingress in the surrounding area and further that the surrounding area will be damaged by construction work.

**WHEREFORE** the Plaintiff claims against the Defendant:-

- (a) An order that the Defendant, within 14 days of the date of final judgment or such other period as this Honourable Court thinks appropriate, pull down, demolish and remove so much of that building constructed on the land legally described as Registration Section at WB NW Block 1C Parcel 23 ("Parcel 23") as encroaches upon the Plaintiff's Land, being the land legally described as Registration Section WB Block 1C Parcels 26 and 258 ("the Plaintiff's Land") and restore the Plaintiff's Land to the condition that it was in before the Defendant destroyed and/or damaged same; and in default of the Defendant so doing within the aforesaid period that the Plaintiff be entitled to remove and dispose of so much of the said building as encroaches on the Plaintiff's Land;
- (b) An injunction restraining the Defendant, whether by himself or by his employees, contractors, servants, agents or assigns, from (a) constructing or continuing to construct the building at Parcel 23 or so much of that building as encroaches upon the Plaintiff's Land; (b) entering or crossing or remaining on the Plaintiff's Land or any part thereof; and (c) interfering in any way with the Plaintiff's Land, until further order of this Honourable Court;
- (c) An order restraining the Defendant, whether by himself or by his employees, contractors, servants, agents or assigns, from interfering in any way with the Plaintiff's Land;
- (d) Damages as compensation for the physical damage caused to the Plaintiff's Land as a result of building being constructed by the Defendant on the Plaintiff's Land;
- (e) Further, and in the alternative, damages for trespass to the Plaintiff's Land;
- (f) Pre- and post-judgment interest pursuant to the Judicature Law (1995 Revision) and the Judgment Debt (Rate of Interest) Rules;
- (g) Such further and other damages or relief as may arise and be proved at the trial of this cause and as this Honourable Court may permit.
- (h) Costs.

DATED this 21<sup>st</sup> day of March 2005.

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

This STATEMENT OF CLAIM was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, for and on behalf of the Plaintiff herein, whose address for service is that of its said Attorney-at-Law, P.O. Box 709G, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.