

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ¹³⁴ OF 2005

BETWEEN:

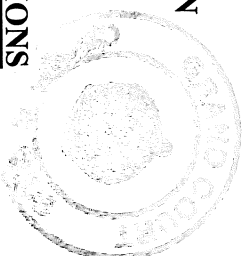
KEN HALL

PLAINTIFF

AND:

ALLAN WILSON

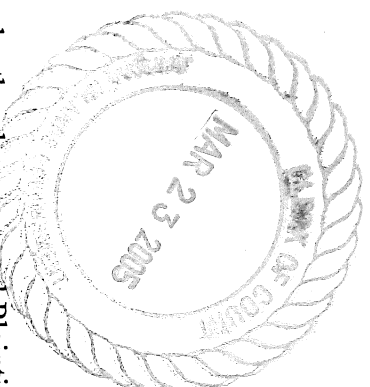
DEFENDANT



WRIT OF SUMMONS

TO THE DEFENDANT:

ALLAN WILSON
P O Box 1724 GT
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 495 G.T., 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 **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 order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. By a loan agreement in writing dated 17th February 1998, the Plaintiff advanced to the Defendant the sum of C1\$12,000.00 at 9% interest per annum. A copy of the agreement is annexed to this Statement of Claim ("the Loan").
2. The Loan was repayable by equal consecutive monthly installments of C1\$300.00 until the balance was paid in full.
3. It was a term of the Loan that, if the Defendant failed to pay any installment on the due date the Defendant would become liable to pay the balance of the principal sum lent and the balance of the said charge for credit - subject to a rebate of charges for earlier repayment.
4. The Defendant has failed to pay any installments to date leaving an outstanding balance, inclusive of accrued interest, of C1\$22,109.56 as at 21st March 2005. This balance has been calculated in the following manner;

17 th February 1998	C1\$12,000.00
17 th February 1999	C1\$13,080.00
17 th February 2000	C1\$14,257.20
17 th February 2001	C1\$15,540.35
17 th February 2002	C1\$16,938.98
17 th February 2003	C1\$18,463.49
17 th February 2004	C1\$20,125.20
17 th February 2005	C1\$21,936.47
21 st March 2005	C1\$22,109.56

5. Notice of default was sent by the Plaintiff on the 10th March 2005 to the Defendant (copy annexed to these particulars of claim) requiring the Defendant to remedy the breach within seven days.
6. The Defendant failed to remedy the breach of the Loan and is liable to pay the Plaintiff the sums of C1\$ 12000.00 and C1\$10,109.56 interest.
7. The Plaintiff claims interest at a rate of 9% per annum on the accruing balance due to the Plaintiff pursuant to the agreement, or alternatively interest pursuant to section 34(1) of the Judicature Law (1995 Revision).

STATEMENT REGARDING INTEREST:

1. It was a term of the agreement dated 17th February 1998 that the Defendant shall repay to the Plaintiff the principal sum with interest thereon;
2. The agreed rate of interest is 9 % per annum to be accrued annually;
3. Interest is payable from 17th February 1998;


4. The total amount of interest claimed to 21st March is CI\$ 10,109.56 and
5. Interest is accruing at CI\$5.41 per day.

WHEREFORE the Plaintiff claims:

1. Judgment for the principal Sum of CI\$12,000.00.
2. Accrued interest to the date hereof of CI\$ 10,109.56
3. Pre and post-judgment interest at the daily rate of CI\$5.41 per day from the date hereof until payment.
4. Alternatively, pre and post-judgment interest pursuant to section 34(1) of the Judicature Law (1995 Revision).
5. Costs.
6. Such further and/or other relief.

DATED 22nd March 2005

FILED March 2005


CAMPBELLS
Attorneys at Law for the Plaintiff

THIS WRIT was filed by CAMPBELLS, Attorneys at Law for the Plaintiff, whose address for service is 4th Floor, Scotiabank Building, George Town, Grand Cayman, Tel : 949 2648; Fax 949 8613. (Ref: JRM/STM/ JS/11404)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2005

BETWEEN: CAYMAN DISTRIBUTORS LIMITED

PLAINTIFF

AND: ALLAN WILSON

DEFENDANT

ACKNOWLEDGEMENT 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.

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

3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 yes no

4. 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 no

Service of the Writ is acknowledged accordingly

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.

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

Campbells (Ref: JRM/JS/11404)
P O Box 884 G.T.
George Town
Grand Cayman
Tel: 949 2648
Fax: 949 8613

Endorsement 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 *Acknowledgment 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 495, George Town, Grand Cayman
2. A Defendant who states in his Acknowledgment 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 indorsed 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 judgment is served on the Defendant.
If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant
If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment 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 judgment 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 Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, 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 installments or otherwise.

See over for notes for guidance

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 his 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.


PROMISSARY NOTE

GEORGE TOWN, GRAND CAYMAN

FEBRUARY 17, 1998

FOR VALUE RECEIVED I, ALLAN WILSON, PROMISE TO PAY KENNETH C. HALL, THE SUM OF TWELVE THOUSAND CAYMAN ISLANDS DOLLARS (CIS\$12000.00) PLUS INTEREST AT THREE-FOURTHS OF ONE PERCENT PER MONTH, AS WELL AFTER AS BEFORE JUDGEMENT, REPAYABLE BY MINIMUM MONTHLY INSTALLMENTS OF CAYMAN ISLANDS ~~THREE HUNDRED~~ (CIS 300) PER MONTH, COMMENCING 20TH MARCH 1998, THEREAFTER, UNTIL THE FULL AMOUNT OF THE PRINCIPAL PLUS INTEREST HAS BEEN REPAID AND UPON DEFAULT IN PAYMENT OF ANY INSTALLMENT UPON THE DUE DATE THEREOF ALL REMAINING INSTALLMENTS SHALL FORTHWITH BECOME DUE AND PAYABLE WITHOUT NOTICE.

SIGNED:



IN THE PRESENCE OF:



916.0741

Scotiabank Building
P.O. Box 884 GT
Grand Cayman, Cayman Islands
Tel: (345) 949-2648
Fax: (345) 949-8613
www.campbells.com.ky
E-mail: campbells@candw.ky

Your Ref:
Our Ref:
Direct E-mail:
Direct Line:

JRM/js/111404

10th March 2005

BY HAND

PRIVATE & CONFIDENTIAL

Mr. Allan Wilson
c/o Cayman Islands Port Authority
George Town
Grand Cayman

Dear Sir,

Re: Mr KEN HALL - PROMISSORY NOTE 17th FEBRUARY 1998

I act for Mr. Ken Hall. You signed a Promissory Note on 17th February 1998 in our client's favour for CI\$12,000.00 with a repayment arrangement of CI\$300.00 per month. As at the date of this letter, no payments have been made by you.

As at 8th March 2005 the debt owed was CI\$12,000.00 plus interest at 9% per annum until payment in full. We hereby give you notice of demand for full repayment of principal of CI\$12,000.00 and accrued interest of CI\$10,039.26 for a total owing of CI\$22,039.26. Payment is to be made to this office within 7 days of receipt of this letter.

Should you fail to pay in full or contact this office with a realistic proposal to settle the total amount within 7 days of the date of this letter, our client's instructions are to pursue this matter through the Grand Court. Legal and court costs will be sought.

Kindly acknowledge receipt of this letter by signing the attached copy letter and returning same to us.

Yours faithfully,

Campbells

SIGNED: _____

DATED: _____

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2005

BETWEEN: CAYMAN DISTRIBUTORS LIMITED PLAINTIFF

AND: ALLAN WILSON DEFENDANT

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Campbells (Ref: JRM/JS/11404)
P O Box 884 G.T.
George Town
Grand Cayman

Tel: 949 2648
Fax: 949 8613

Endorsement 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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