

IN THE GRAND COURT OF THE CAYMAN ISLANDS

199
CAUSE NO OF 2005

IN THE MATTER OF THE SUCCESSION LAW (2004 REVISION)

IN THE ESTATE OF NIAH OLIVIA TERRY A.K.A. NIAH OLEVIA TERRY,
A.K.A. NIAH TERRY, A.K.A. NIAH O. TERRY

BETWEEN:

(1) ELSBERTH GARFIELD TERRY
(2) VERDUN SIDNEY TERRY

PLAINTIFFS

AND:

(1) WOODWARD LEEMON TERRY
(2) FRANCINE ELAINE GARDNER
(3) DOROTHY ANN NIAH WILSON

DEFENDANTS

ORIGINATING SUMMONS

TO: Woodward Leemon Terry, P.O. Box 822GT, Grand Cayman, Cayman Islands
Francine Elaine Gardner, P.O. Box 197SAV, Grand Cayman, Cayman Islands
Dorothy Ann Niah Wilson, P.O. Box 1724GT, Grand Cayman, Cayman Islands

LET THE DEFENDANTS, within [14 days] after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of Elsberth Garfield Terry of P.O. Box 656GT, Grand Cayman, Cayman Islands and Verdun Sidney Terry of P.O. Box 80SAV, Grand Cayman, Cayman Islands, the Plaintiffs claim against the Defendants in their capacities as personal representatives in the Estate of Niah Olivia Terry ("the Estate") the following Orders:-

1. Within 14 days the Defendants do file accounts relating to the administration of the Estate of Niah Olivia Terry pursuant to section 7 of the Succession Law (2004 Revision) (the "Law") including valuations of the property contained in that Estate;
2. That 14 days thereafter, the Defendants do transfer the assets to the beneficiaries of the Estate in accordance with the Intestacy Rules contained in section 29 of the Law and that the 1st Plaintiff shall receive the Estate's share in the former matrimonial home as part of his entitlement under the Law;

3. That the winding up of the Estate be executed under the Court's discretion if and so far as may be necessary.

The Plaintiffs' further claim that their costs in bringing these proceedings be paid either by the Defendants personally or out of the Estate.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to them as the court may think just and expedient.

DATED this 26 day of April, 2005

Turner & Roulstone

Turner & Roulstone

Attorneys-at-Law for the Plaintiffs

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

IMPORTANT

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

This Originating Summons was issued by Turner & Roulstone, P.O. Box 2636GT, Strathvale House, 90 North Church Street, George Town, Grand Cayman, Cayman Islands, Attorneys-at-Law for the Plaintiffs whose address for service is care of their said Attorneys-at-Law.

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A.K.A. NIAH TERRY, A.K.A. NIAH O. TERRY

BETWEEN: (1) ELSBERTH GARFIELD TERRY
(2) VERDUN SIDNEY TERRY **PLAINTIFFS**

AND: (1) WOODWARD LEEMON TERRY
(2) FRANCINE ELAINE GARDNER
(3) DOROTHY ANN NIAH WILSON **DEFENDANTS**

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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**.

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 or otherwise participate in the proceedings (tick appropriate box)

yes

no

Service of the Originating Summons 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 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.

Turner & Roulstone
Attorneys-at-Law
Strathvale House
90 North Church Street
P.O. Box 2636GT
Grand Cayman

Ref: AD/as/0251-0001

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

Acknowledgement of service of originating summons (0.10, r.5)

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

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 495G, George Town, Grand Cayman.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.