

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 300 OF 2005

BETWEEN:

CAYMAN NATIONAL BANK LIMITED

PLAINTIFF

AND:

WILBUR McLAUGHLIN Jr.

AND

BARBARA McLAUGHLIN

DEFENDANTS

WRIT OF SUMMONS

TO Wilbur McLaughlin Jr. and Barbara McLaughlin of PO Box 349 SAV,
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, PO Box 495 G, 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 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 1st day of July 2005.

NOTE – This Writ may not be served later than 4 calendar 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.

STATEMENT OF CLAIM

1. The Plaintiff is a Bank carrying on business at its branch at Elgin Avenue, PO Box 1097, George Town Grand Cayman and elsewhere, and the Defendants are and at all material times, have been customers of the Plaintiff at the said branch.
4. By way of a Loan Agreement dated 1st September 1999 the Plaintiff loaned to the Defendants the sum of CI\$23,792.00.
5. The Loan Agreement provided that the Defendants shall repay the loan by way of monthly installments together with interest on the outstanding balance at a rate of 9.25% per annum.
6. The Loan Agreement provided that upon demand by the Plaintiff all principal and interest accrued shall become payable forthwith.
7. The Defendants are in arrears with his monthly loan repayments and is currently indebted to the Plaintiff in the principal sum of CI\$9,184.17, together with accrued interest to date at the annual rate of 9.25% in the sum of CI\$216.60.
8. Interest continues to accrue on the outstanding balance at a rate of 9.25% per annum, a daily sum of CI\$2.36.
9. The Plaintiff has made a written demand for repayment by letter from its attorneys dated 20th May 2005 but the Defendants have failed to repay the said sum or any part of it.

AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANTS

1. Payment of the said sum of CI\$9,184.17;
2. Interest on the above principal sum of CI\$9,184.17 at the agreed rate of 9.25% per annum to the date of issue of these proceedings in the sum of CI\$216.60 and interest continuing until payment at the daily rate of CI\$2.36;
3. Fixed costs of CI\$250.00 together with the fee payable for issuing this Writ in the sum of CI\$150.00.

Dated the 1st day of July 2005.


RITCH & CONOLLY
Attorneys-at-Law for the Plaintiff

If, within the time limited for returning the Acknowledgement of Service the Defendant pays the amount claimed to the Plaintiff or its attorneys further proceedings will be stayed.

TO: The Clerk of the Court
AND TO: The Defendant of PO Box 349 SAV, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

CAYMAN NATIONAL BANK LIMITED

PLAINTIFF

AND:

WILBUR McLAUGHLIN Jr.

AND

BARBARA McLAUGHLIN

DEFENDANTS

**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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons 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:

Notes on address for service

Attorney: where the Defendants are 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.

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.

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

Messrs. Ritch & Conolly
PO Box 1994 GT
Grand Cayman

Ref: AHP/9733

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

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 495G, 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 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 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.