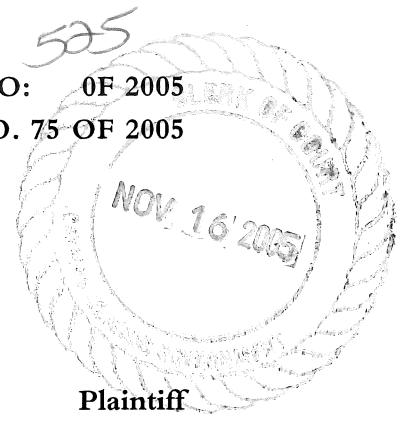


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 0F 2005
LEGAL AID CERTIFICATE NO. 75 OF 2005



B E T W E E N:

VINNELL DORCAS FOSTER

AND

JULIETTE THERESA FACEY

Defendant

WRIT OF SUMMONS



TO: Juliette Theresa Facey
P.O. Box 226 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 495 GT, 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 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 November 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.

STATEMENT OF CLAIM

The Parties

- 1) The Plaintiff is a Caymanian and at all times material to this proceeding was resident at 93 Finch Drive, Birch Tree Hill, West Bay, Grand Cayman, Cayman Islands. The Plaintiff's address for service is in care of her attorneys, Appleby Spurling Hunter, P.O. Box 190 GT, George Town, Grand Cayman, Cayman Islands.

- 2) The Defendant is a Caymanian who all material times was resident in the Plaintiff's house at 93 Finch Drive, Birch Tree Hill, West Bay, Grand Cayman, Cayman Islands.

Background

- 3) The Plaintiff lives at 93 Finch Drive, Birch Tree Hill, West Bay, Grand Cayman (the "**Property**").

- 4) The Property is registered as Block 4B, Parcel 100 West Bay, N.W. The Property is owned by the Plaintiff, her sister Mardith Cleartha Reynolds and her ex-husband George Benjamin Foster.

- 5) Each of the Plaintiff, her sister and her ex-husband have houses on the Property. The Plaintiff currently lives in her house on the Property (the "**House**") with:

- a) Her daughter, the Defendant, Juliette Theresa Facey (“**the Defendant**”), who was born on 22 November 1979 and is 25 years old;
 - b) The Defendant’s first son Jason Foster (11 years old);
 - c) The Defendant’s second son Jamal Facey (5 years old); and,
 - d) The Defendant’s youngest son James Crooks (14 months).
- 6) The Plaintiff has lived in the House since in or about 1979. The Defendant has lived for the most part with the Plaintiff in the House since her birth. For several years the Defendant’s husband at the time also lived in the House.
 - 7) The Defendant works at the Port for Cayman Marine Services, whilst the Plaintiff is currently unemployed.
 - 8) The Defendant and her children live on the Property and the children split their time between the Plaintiff’s House and the Plaintiff’s ex-husband’s residence, which is located at the rear of the Property.

No lease or legal right to remain on the Property or in the House

- 9) The Defendant has no legal interest in the Property. There is not now, nor has there ever been, any lease or other legal agreement allowing the Defendant to remain on the Property or in the House.
- 10) There has never been any oral or written agreement that the Defendant can remain on the Property or in the House.
- 11) Both the Plaintiff and her sister want the Defendant to leave the House and not to remain on the Property and have repeatedly asked her orally and in writing to leave.
- 12) The Defendant has repeatedly refused to leave the House or the Property.
- 13) As the Plaintiff has withdrawn permission for the Defendant to remain on the Property or in the House and the Defendant has remained, the Defendant is a trespasser.

Police Attendances

- 14) The Plaintiff has been forced to call the Police and have them attend at the Property four times since 10 August 2005 to deal with the unruly and abusive behaviour of the Defendant.

Attendance #1

- 15) On 10 August 2005, the Plaintiff's attorneys prepared a formal letter giving notice and advising the Defendant that she was to vacate the House and the Property within one week of receipt of the letter.
- 16) When the Plaintiff delivered the letter to the Defendant on 10 August 2005. The Defendant did not open the letter and instead tore it up while it was still in the envelope stating that she knew that it was a letter telling her to leave the House and the Property. The Defendant then became aggressive, abusive and intimidating towards the Plaintiff.
- 17) The Plaintiff then called the Police and asked the officer that attended to read a copy of the letter to the Defendant. The attending officer read a copy of the letter out to the Defendant and told her that he wanted her to be out of the House by the next Friday at 6:00 or 7:00 p.m. That officer also told the Defendant to obey and respect the Plaintiff. The Defendant told the officer that she would be out of the House by the next Friday as he had requested.
- 18) After that officer left, The Defendant told the Plaintiff that she was not leaving the House and again became abusive threatening and intimidating towards the Plaintiff.

Attendance #2

- 19) Approximately two weeks after the first Police attendance, towards the end of August 2005, the Police attended again at the Property in response to the Plaintiff's call. The Plaintiff called the Police because The Defendant was acting aggressive, bullying and intimidating toward her and was refusing to leave the House when asked to do so. This time the officer told the Plaintiff that she would have to go to Court and get an eviction and restraining Order in order to have the Police remove the Defendant from the House.

Attendance #3

- 20) The Police were called to the Property a third time in the middle of September because The Defendant was still there and was refusing to leave the House in response to requests that she leave and was acting in an intimidating fashion and bullying the Plaintiff.

Attendance #4

- 21) The Plaintiff called the Police a fourth time on 19 October 2005 after a physical attack on the Plaintiff by the Defendant at the House.
- 22) The incident arose from the Plaintiff asking the Defendant and her children to leave the House. The children had marked up the walls and wrecked and tore up the Plaintiff's furniture and displayed the same disrespectful attitude toward the Plaintiff that the Defendant does. The children have often wrecked the House in the past by ruining furniture, walls and flooring. The Defendant's eldest son got up to leave, but the Defendant pushed him back down and yelled at the Plaintiff and accused the Plaintiff of sending her children "out into the rain".
- 23) During that incident the Defendant pushed the Plaintiff into a cabinet and hit the Plaintiff across the side of the face and neck. The force of the blow broke two of the Plaintiff's curlers and left scratches on her neck. The Plaintiff immediately called the Police. This time officer Anglin of the West Bay Police Station attended on 19 October 2005 in response to the call.
- 24) Officer Anglin removed the Defendant from the House and the Property to the police station and kept her for an hour.
- 25) On 24 October 2005 the Defendant again threatened violence and asked the Plaintiff if she wanted the Defendant to do to the Plaintiff what she did last week. The Plaintiff took this as a threat that the Defendant would hit the Plaintiff again.

Summary of The Defendant's treatment of the Plaintiff

- 26) During the past several months the Defendant has treated the Plaintiff with increasing disrespect and has regularly:
- a. Cursed, yelled and sworn at the Plaintiff;
 - b. Scandalized the Plaintiff in the community;

- c. Bullied, threatened and intimidated the Plaintiff; and,
 - d. Has recently become physically violent and struck the Plaintiff and threatened to do violence.
- 27) As a result of the Defendant's disrespectful behaviour towards the Plaintiff, her children have become increasingly verbally abusive towards the Plaintiff and destructive towards the Plaintiff's House as well.
- 28) As a result of the above, the Defendant has committed or has threatened to commit the following tortious acts:
- a) Trespass;
 - b) Assault and battery; and,
 - c) Damage to the Plaintiff's property.

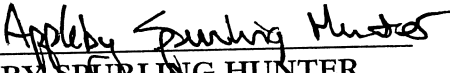
AND THE PLAINTIFF CLAIMS

- 29) The Plaintiff claims for:
- a) a declaration that the Defendant is a trespasser on the Plaintiff's Property and in the Plaintiff's House;
 - b) a declaration that the Defendant is not entitled to occupy the Plaintiff's House or Property at 93 Finch Drive, Birch Tree Hill in West Bay, Grand Cayman, Cayman Islands;
 - c) an interim and final order that the Defendant vacate the Plaintiff's House and Property at 93 Finch Drive, Birch Tree Hill in West Bay, Grand Cayman, Cayman Islands forthwith;
 - d) an interim and final order that the Defendant not annoy, intimidate or harass the Plaintiff, nor return to the Plaintiff's House or Property at 93 Finch Drive, Birch Tree Hill in West Bay, Grand Cayman, Cayman Islands;
 - e) an interim and final order restraining the Defendant from returning to the Plaintiff's House and Property at 93 Finch Drive, Birch Tree Hill

in West Bay, Grand Cayman, Cayman Islands or coming within 100 feet of said House or Property;

- f) damages for trespass, assault and battery and to her Property and House;
- g) such further and other relief as this Honourable Court deems just; and,
- h) costs on behalf of the Legal Aid Fund.

Dated the 16th day of November 2005


APPLEBY SPURLING HUNTER
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: Juliette Theresa Facey
P.O. Box 226 West Bay
Grand Cayman, Cayman Islands

Filed by Appleby Spurling Hunter Attorneys-at-Law for the Plaintiff whose address for service is 75 Fort Street, PO Bo 190 GT, George Town, Grand Cayman, Cayman Islands B.W.I.

**DIRECTIONS FOR ACKNOWLEDGEMENT 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 495 GT, 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 indorsed on the Writ (i.e. the words of "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 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 (.....)" 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: 0F 2005
LEGAL AID CERTIFICATE NO. 75 OF 2005

B E T W E E N:

VINNELL DORCAS FOSTER

Plaintiff

AND

JULIETTE THERESA FACEY

Defendant

ACKNOWLEDGMENT 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 fully 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.

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

Defendant

Address for service:

Juliette Theresa Facey P.O. Box 226 West Bay Grand Cayman, Cayman Islands

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.

Appleby Spurling Hunter
Attorneys-at-Law
Clifton House
75 Fort Street
P.O. Box 190 GT
George Town
Grand Cayman
Ref: [09476.002]

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 indorsement]