

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: **548** OF 2005.

BETWEEN: **FREDERICK H.G. WILKS** PLAINTIFF

AND:
1. **ERIC HALL**
2. **PATRICIA COMRIC**
3. **MAUREEN THOMAS**
4. **GRANTVILLE BROWN**
5. **DESMOND BRYAN**
6. **OCCUPIERS 151 ROCK HOLE RD ROOM 11**
7. **LAVERNE RICHARDS**
8. **HIRFA WATSON**
9. **OCCUPIERS 151 ROCK HOLE RD ROOM 24**

DEFENDANTS

SPECIALLY INDORSED WRIT OF SUMMONS

TO: The Defendants
151 Rock Hole Road
George Town
Grand Cayman

THIS SPECIALLY INDORSED 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 25th 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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is and was at all material times the registered proprietor of the premises situated at 151 Rock Hole Road, George Town and more fully described in the Land Register as George Town Central Block 14CF, Parcel 14 (the "Property").
2. The Plaintiff is and was at all material times carrying on the business (*inter alia*) of letting the Property to residential tenants on the basis of monthly tenancies determinable upon notice.
3. The Defendants and each of them are and were at all material times in occupation of the property or part thereof pursuant to monthly tenancies as aforesaid.
4. Despite repeated attempts on the part of the Plaintiff to determine the said tenancies the Defendants have remained in occupation and have to date neglected, failed or refused to surrender the said tenancies.
5. By Notices to Quit dated and served upon the Defendants on 30 September 2005 the Plaintiff gave one clear month's notice to the Defendants and each of them to quit occupation and surrender keys and possession to the Property to the Plaintiff pursuant to the provisions of the Registered Land Law s. 45(3) on or before 1 November 2005 (a copy of each Notice to Quit is attached hereto). The Defendants and each of them have neglected, failed or refused to surrender possession to the Plaintiff or at all.

AND THE PLAINTIFF CLAIMS:

1. Summary Judgment pursuant to GCR O. 14;
2. An Order for Possession;
3. Mesne Profits;
4. Interest pursuant to Judicature Law s. 34; and
5. Costs.

Dated the 25th day of November 2005.

Diamond Law Associates

DIAMOND LAW ASSOCIATES
Attorneys-at-Law for the Plaintiff

Filed the 25th day of November 2005

THIS SPECIALLY INDORSED WRIT OF SUMMONS was issued by DIAMOND LAW ASSOCIATES, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor Cardinal Plaza, Cardinal Avenue, George Town, Grand Cayman, Cayman Islands (Ref:DLA/SND).

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20__

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PLAINTIFF

AND:

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DEFENDANTS

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 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.

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 no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

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.

DIAMOND LAW ASSOCIATES 4 th Floor Cardinal Plaza Cardinal Avenue PO Box 2887GT George Town Grand Cayman Cayman Islands Ref: SND

Indorsement 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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