

IN THE GRAND COURT OF THE CAYMAN ISLANDS

588  
CAUSE NO: OF 2005

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK PLAINTIFF  
LIMITED

AND: (1) JERMAINE WELCOME DEFENDANTS  
(2) JASON WELCOME

**WRIT OF SUMMONS**

TO: **Jermaine Welcome**  
PO Box 335 GT  
Grand Cayman  
Cayman Islands

AND TO: **Jason Welcome**  
PO Box 335 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, PO Box 495GT, 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 21st day of December, 2005

NOTE – This Writ may not be served later than 4 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 a bank carrying on business at its branch at FirstCaribbean House, 25 Main Street, PO Box 68GT, George Town, Grand Cayman, Cayman Islands, and elsewhere.
2. The Defendants are and were at all material times customers of the Plaintiff at the said branch.
3. In or around June 2000 the Plaintiff loaned the Defendants the sum of CI\$36,273.24 repayable over 6 years at the rate of CI\$791.00 per month, with interest accruing at the rate of 16.21% per annum (the "Loan"). The Loan was granted to assist with the purchase a motor vehicle (the "Vehicle").
4. As security for the Loan, on or around 21 June 2000 the Plaintiff and the Defendants executed a bill of sale (the "Bill of Sale") in favour of the Plaintiff over the Vehicle.
5. The Defendants failed to service the Loan in accordance with the terms on which it was granted.
6. By letters dated 20 August 2004 addressed to each of the Defendants, the Plaintiff's attorneys made written demand for repayment of the Loan but the Defendants failed to repay the whole or any part of the amount outstanding.
7. On or around 12 September 2004, the motor vehicle was damaged by Hurricane Ivan.
8. Due to the unsatisfactory manner in which the Loan continued to be serviced by the Defendants, the Plaintiff repossessed the Vehicle. On 16 June 2005, pursuant to the Bill of Sale, the Plaintiff sold the Vehicle for its salvage value of CI\$1,500.00, which amount was applied in reduction of the Loan.
9. By letters dated 25 October 2005 addressed to each of the Defendants, the Plaintiff's attorneys made written demand for the balance outstanding on the Loan. The Defendants have failed to repay the whole or any part of the balance outstanding.

10. As at 29 November 2005 the Defendants were indebted to the Plaintiff in the amount of CI\$33,045.88 with interest accruing at the rate of 16.21% per annum or CI\$11.58 per diem.

AND the Plaintiff claims:

- (a) Payment of the said sum of CI\$33,045.88;
- (b) Interest pursuant to the Loan from 30 November 2005 accruing at the rate of 16.21% per annum or \$11.58 per diem until payment or judgment;
- (c) Ad valorem fee of CI\$230.46; and
- (d) Fixed costs of CI\$650.00 plus filing fees.

  
\_\_\_\_\_  
**WALKERS**  
Attorneys at Law for the Plaintiff

This Writ is issued by Walkers, Attorneys at Law, Walker House, Mary Street, PO Box 265GT, George Town, Grand Cayman, for the Plaintiff whose address for service is care of its said Attorneys at Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 88 OF 2005

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK  
LIMITED PLAINTIFF

AND: (1) JERMAINE WELCOME  
(2) JASON WELCOME 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 Delay may result in judgment being entered  
directions and notes for guidance carefully against a Defendant whereby he may have to  
before completing this form. If any information pay the costs of applying to set it aside.  
required is omitted or given wrongly, THIS  
FORM MAY HAVE TO BE RETURNED.

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

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes

no

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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

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Service of the Writ 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.

Walkers  
Attorneys at Law  
PO Box 265GT  
Walker House, Mary Street  
George Town, Grand Cayman  
  
Ref: DMM/KW/be/F1575-54303

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 defendant's attorney indorsement]

**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 Courts Office, PO Box 495GT, 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 Court's 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 Court's office.