

No. 1

**Writ of Summons (O.6, r.1)**



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: **519** OF 1996

BETWEEN: TRITA CAYMAN LTD.

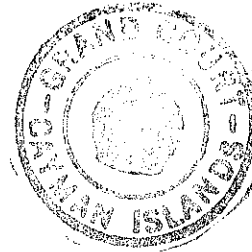
PLAINTIFF

AND: CHAMPION HOUSE RESTAURANT II

DEFENDANT

WRIT OF SUMMONS

TO: CHAMPION HOUSE RESTAURANT II  
P.O. BOX 279  
GEORGE TOWN



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 G, 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.

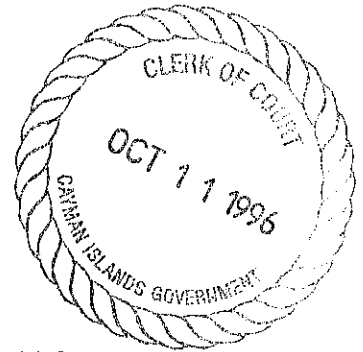
Issued this 8th day of October 1996.

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 claims CI\$10,329.93 from the Defendant.
2. Between 7th December 1995 and 8th February 1996 the Plaintiff sold frozen products to the Defendant.
3. The cost to the Defendant of this merchandise is CI\$8,661.08 (US\$10,257.24).
4. As per agreement the Defendant is also responsible for payment to the Plaintiff for the cost of duty, freight, wharfage and clearance for this merchandise.
5. The cost for the duty, freight, wharfage and clearance is CI\$1,713.85.
6. This brings the total owed to the Plaintiff by the Defendant to CI\$10,329.92.
7. The Plaintiff sent a statement of amount owed to the Defendant in February of 1996 but did not receive payment.
8. The Plaintiff wrote to the Defendant on 22nd May 1996 making a demand for payment of monies owed.
9. The Plaintiff has not received any payment for this debt.



AND THE PLAINTIFF claims:

CI\$10,329.93

Interest at the statutory rate of 7 3/8% as of February 1996.

Costs of CI\$150.00

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed further proceedings will be stayed. The money must be paid to Trita Cayman Ltd., P.O. Box 701, George Town, Grand Cayman.

A handwritten signature consisting of a large, stylized loop followed by a vertical stroke.

Signature of Plaintiff

THIS WRIT was issued by Mr. Gladstone Herbert Black c/o Trita Cayman Ltd. whose address for service is #1 Bel-Air Manor, Bel Air Gardens, South Sound, Grand Cayman.

Acknowledgment of service of writ of summons (O.12, r.3)

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*

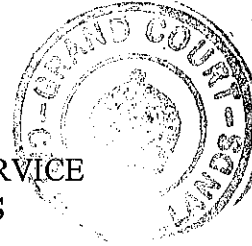
*Please complete overleaf*

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 519 OF 1996

BETWEEN: TRITA CAYMAN LTD.

AND: CHAMPION HOUSE RESTAURANT II



PLAINTIFF  
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 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 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

(Signed) .....

[Attorney] for

[Defendant in person]

Address for Service:

*Please complete overleaf*