

No. 1

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 113 OF 2006

BETWEEN: CADIAN EBANKS

Plaintiff

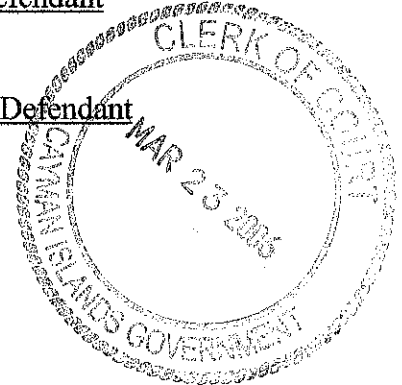
AND THE ATTORNEY GENERAL
SAMUEL BULGIN

1st Defendant

AND REGISTRAR OF LANDS
ALICE ANN KIRCHMAN

2nd Defendant

To the Defendant
THE ATTORNEY GENERAL
4th FLOOR GOVERNMENT ADMIN BLDG.
GEORGE TOWN GRAND CAYMAN
TEL: (345)244-2405



THIS WRIT has been issued against you by the above-Plaintiff in respect of the claim
Set out on the next page.

Within 14 days after service of this Plaintiff on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, You must set out **full particulars of your defence** in the space provided in the Acknowledgment of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgment of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you .

Issued this 23rd day of March, 2006

See overleaf for particulars of the Plaintiff's claim.

Cadian Ebanks

CADIAN Ebanks

Filed by Cadian Ebanks the Plaintiff whose address for service is 207A. Fountain Road
P.O. Box 223 WB West Bay Grand Cayman ,Cayman Islands

Judicature Law Section 34 of (1995 Revision)

STATEMENT OF CLAIM

1. The Registrar conducted a hearing in 1985 at conclusion he ordered Cadian Ebanks to pay the cost of a Survey to replace missing boundary marks with-in 6 Months and nothing happened for 16 years (which became Stature Barred) after 12 Years .
2. Since there were no missing boundary Marks as claimed, by the Registrar of Lands he did, nothing however in 2001 the Registrar or his successor ordered a survey to be carried out at Government expense to replace as claimed missing boundary marks. Government Surveyors placed 2 new pins, one at 178 K and one at 178 d Wood posts, these wood posts 178k and 178d was in inexistence prior to 1974 as Cadastral commencement Survey records indicates exhibit C1.
3. The Attorney General through the Registrar with the assistance of the Debt collection department wrote to Cadian Ebanks to pay For the Survey at the cost of CI\$ 2,697.10 on protest Cadian Ebanks paid 4 Personal checks at CI\$200.00 each and wrote on the face of each check "for a bill I don't owe" which started in October 30, 2002 until May 5, 2003 which made a total of CI\$800.00.paid to Cayman Islands Government exhibit C2
4. In February 20, 2005 a Plaint was issued To Cadian Ebanks in respect of CI\$1,897.10 by the Debt Recovery Unit Treasure Department with interest of 3 % Plus a fix of cost CI\$1,897.10 by the Debt Recovery Unit Treasure Department with Which I denied owing
5. A Counter Claim was filed by Cadian Ebanks on March 15,2005 for CI\$13,300.00. with cost.
6. Reply and defence to Counter claim filed March 30, 2005 by Government legal . department with Amended Particulars of Claim which states September 1985 Registrar of Lands and survey boundary disputes.
7. Counter Claim filed by Cadian Ebanks on July 22, 2005 CI\$14,450.00 at 3% plus cost.
8. A hearing by the Magistrate was heard on September 9, 2005, and the Defendant Cadian Ebanks was ordered to pay CI\$2,347.10 in addition of the

personal checks ,
Total

CI\$ 800.00
CI\$3, 147.10

9. An appeal was entered on September 22, 2005 by the Defendant Cadian Ebanks to the Grand Court.
10. The hearing of the Grand Court was heard on February 8, 2006 and the appeal was allowed and ruled in favour of the Defendant Cadian Ebanks
11. The Grand Court Judge made reference of the monies paid to government by Cadian Ebanks but not all was included, however these monies was paid under much protest and should be returned.
12. In addition Cadian Ebanks claims CI\$3,147.10 that was paid under protest to Cayman Islands Government in connection with Magistrates Ruling which was Heard on September 9, 2005
13. In addition time spent in Court and filing

AND the Plaintiff Claims:

1. The principle sum of CI\$3,147.10
2. Filing fee CI\$ 200.10
3. Days in court CI\$1, 350.00
4. Intrest at the statutory rate of 3%
5. Fixed cost of CI\$200.00, Alternatively cost to be assessed.

If, within the time for returning the Acknowledgment of Service, the Department pays the total amount claimed further proceedings will be stayed . The money must be paid to the Plaintiff.



Cadian Ebanks Plaintiff

Plaintiff address for service :
P.O. Box 223 WB West Bay Grand Cayman, Cayman Islands

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 his 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.

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

Cadian Ebanks
Po Box 223 WB
207A Fountain Rd.
West Bay Grand Cayman

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

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

Defendant's Signature

REMINDER- this form must be taken or sent to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.

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 installments or otherwise.

See over for notes for guidance

No. 2

Acknowledgment of Service

IN THE GRAND COURT OF GEORGE TOWN

CAUSE NO. OF 2006

BETWEEN: CADIAN EBANKS

PLAINTIFF

AND: THE ATTORNEY GENERAL

1st DEFENDANT

AND: ALICE ANN KIRCHMAN

2nd DEFENDANT

ACKNOWLEDGMENT OF SERVICE

1. State Defendant's name and address

SAMUEL BULGIN
4th FLOOR GOVERNMENT ADMIN. BLDG.
GEORGE TOWN

2. State whether the Defendant intends to contest the action.

Yes

No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4. If you intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaint is acknowledged accordingly.

Defendant's Signature

Issued this 23rd day of

See Overleaf