

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. 230 OF 2006

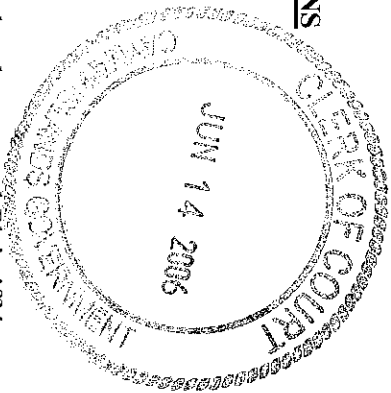
BETWEEN: LE HABITAT LTD.

PLAINTIFF

AND: KARI AMANDA MAFFESSANTI

DEFENDANT

WRIT OF SUMMONS



TO: Kari Amanda Maffessanti  
55 Memorial Avenue  
George Town  
Grand Cayman  
The Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the abovenamed 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, George Town, Grand Cayman B.W.I., 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 14<sup>th</sup>, day of June 2006.

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 a company incorporated under the laws of the Cayman Islands and at all times the Plaintiff carried on business as a construction company within the Cayman Islands.
2. The Defendant herein is a registered proprietor of property known as Registration Section West Bay North East, Block 9A, Parcel 361 (“the Property”).
3. By letter dated 28<sup>th</sup> October 2004 (“the Agreement”) the Defendant herein appointed the Plaintiff company to restore the house situated on the Property. Pursuant to the Agreement and the variations of further works to restore the house on the Property agreed between the parties, the Plaintiff carried out the works to the Property.
4. Under the Agreement the Plaintiff was permitted to make requests for interim payments with the first interim payment being made on 3<sup>rd</sup> December 2004 and two thirds of the second interim payment being made on 25<sup>th</sup> April 2005. Following the part payment made in consideration for the second interim payment, the Defendant continued to fall short of further payments due to the Plaintiff.
5. In response to the difficulty the Defendant appeared to be having with making timely payments, the Plaintiff conceded to an arrangement in which effectively a monthly amount of C1\$4,000.00 would be paid to the Defendant. Following four payments made under this new arrangement, the Defendant still maintained an outstanding balance of C1\$29,596.00 due to an accumulation of previous non-payment.
6. In an e-mail dated 16<sup>th</sup> November 2005 the Plaintiff requested payment of the outstanding funds from the Defendant by the end of November, 2005. The Defendant responded by making another payment in the sum of C1\$4,000.00.
7. By an e-mail on 25<sup>th</sup> January 2006, the Plaintiff herein advised the Defendant of her failure in satisfying the debt owed to the Plaintiff and demanded payment of the outstanding balance. By further letter dated 23<sup>rd</sup> February 2006, the Plaintiff demanded payment by no later than 24<sup>th</sup> February 2006. The Defendant has not been forthcoming in making the said payment.

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CAUSE NO. 230 OF 2006

BETWEEN: LE HABITAT LTD.

PLAINTIFF

AND: KARI AMANDA MAFFESSANTI

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 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

(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.*

Myers & Alberga  
Attorneys-at-Law  
P. O. Box 472GT  
Harbour Place, Second Floor, N Wing  
103 S Church Street, Grand Cayman  
Ref: LDD/cy/L0081-003

*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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**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*

## 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.