

IN THE GRAND COURT OF THE CAYMAN ISLANDS

462  
CAUSE NO. OF 2006.

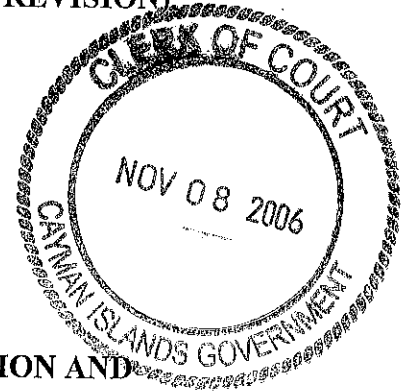
IN THE MATTER OF THE REGISTERED LAND LAW (2004 REVISION)

AND

IN THE MATTER OF A LEASE OF PREMISES SITUATE  
AT APARTMENT #2, DIAMOND COURT, 178, KETURAH  
ROAD, GEORGE TOWN, GRAND CAYMAN

AND

IN THE MATTER OF AN APPLICATION FOR AN INJUNCTION AND  
OTHER RELIEF



BETWEEN:

PATIENCE PATRICIA WRIGHT



PLAINTIFF

AND

THE PROPRIETOR OF THE REGISTERED  
TITLE TO THE BLOCK AND PARCEL ON  
WHICH APARTMENT #2, DIAMOND COURT,  
178, KETURAH ROAD, GEORGE TOWN,  
GRAND CAYMAN IS SITUATED

FIRST DEFENDANT

AND

JER-333 LTD

SECOND DEFENDANT

AND

CHRISTOPHER WHORMS

THIRD DEFENDANT

Before The Honourable Mrs. Justice Levers in Chambers

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ORIGINATING SUMMONS  
(Expedited Form GCR O.7, r.2)

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**LET THE DEFENDANTS** and each of them of

1. Not yet ascertained – First Defendant
2. 114B West Bay Road, Cayman Falls, PO Box 31492 SMB, Grand Cayman – Second Defendant
3. 114B West Bay Road, Cayman Falls, PO Box 31492 SMB, Grand Cayman – Third Defendant

attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 8th day of November 2006, at 9:30 am on the hearing of an application by the Plaintiff of #2, Diamond Court, 178, Keturah Road, George Town, Grand Cayman, Cayman Islands for the following Orders and other relief.

1. that the Defendants and each of them be restrained whether by their servants, agents or howsoever otherwise from forcibly ejecting the Plaintiff from, or preventing the Plaintiff having access to, (whether by the changing of the locks or by any other means) the premises situate at and known as Apartment #2, Diamond Court, 178, Keturah Road, George Town, Grand Cayman, Cayman Islands until trial of this Action or further Order of the Court in this Action or in any Action brought by the First Defendant in consequence of the Order made in paragraph 2 below;
2. that the Defendants and each of them be restrained whether by their servants, agents or howsoever otherwise from forfeiting or attempting to forfeit the said lease otherwise than in strict compliance with the provisions of sections 56 and 57 of the Registered Land Law (2004 Revision)
3. a Declaration that the purported Notice to Quit dated the 28<sup>th</sup> September 2006 is void and of no effect by reason of a failure of the Defendants and each of them to comply with section 45(3) of the Registered Land Law (2004 Revision);
4. Further or other relief;
5. That the Plaintiffs do have the costs of this application to be taxed on a full indemnity basis if not agreed;

**AND LET THE DEFENDANT** within [14 days] after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 8<sup>th</sup> day of November 2006.

Filed the 8<sup>th</sup> day of November 2006.

*Diamond Law Associates*  
DIAMOND LAW ASSOCIATES  
Attorneys at Law for the Plaintiff

**NOTES:-**

- (1) This Summons 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 above date unless renewed by order of the Court.
- (2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

**TIME ESTIMATE:** The estimated length of the hearing of this Summons is one hour.

This **ORIGINATING SUMMONS** was filed by DIAMOND LAW ASSOCIATES, Attorneys for the Plaintiff, whose address for service is 4<sup>th</sup> Floor, Cardinal Plaza, Cardinal Avenue, PO Box 2887 GT, Grand Cayman, Cayman Islands, Tel: 769-9352, Fax: 769-4352, E-mail: [info@dla.ky](mailto:info@dla.ky), (Ref DLA/SW).

**Acknowledgement of service of writ of summons (0.12, r.3)**

***DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE***

***OF ORIGINATING 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**

**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: <sup>462</sup> OF 20\_\_

BETWEEN: PATIENCE PATRICIA WRIGHT

PLAINTIFF

AND: CHRISTOPHER WHORMS

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.

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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 ORIGINATING SUMMONS 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<sup>TH</sup> FLOOR, CARDINAL PLAZA,  
CARDINALL AVENUE  
GEORGE TOWN  
GRAND CAYMAN  
PO BOX 2887 GT

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