

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 501 OF 2006

BETWEEN:

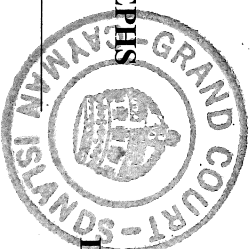
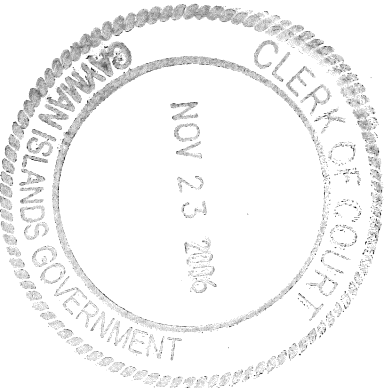
MELODY WHITTAKER

PLAINTIFF

AND:

GARFIELD JOSEPHS

DEFENDANT



WRIT OF SUMMONS

TO: Garfield Josephs of PO Box 409, Grand Cayman KY1-1106,
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 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 495, George Town, Grand Cayman KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

ISSUED this 22nd day of November 2006.

NOTE – This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. The Plaintiff's claim is for the sum of CI\$26,000.00 for money had and received by the Defendant to and for the use of the Plaintiff.

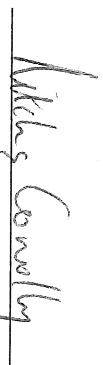
PARTICULARS

- On 3rd January 2006 the Plaintiff loaned to the Defendant the sum of CI\$26,000.00 to be repaid by the Defendant, together with interest, on or before 3rd or 4th February 2006, as evidenced by the Agreement signed by the parties, a copy of which is attached.
2. Further, the Plaintiff is entitled to and hereby claims interest on the said sum of CI\$26,000.00 in the amount of CI\$6,500.00 to 4th February 2006 in accordance with the provisions of the attached Agreement dated 3rd January 2006 and thereafter the Plaintiff claims interest on the CI\$26,000.00 pursuant to Section 34 of the Judicature Law (2004 Revision) or under the equitable jurisdiction of the Court at such rate and for such period as the Court thinks just.
3. In the alternative, the Plaintiff is entitled to and hereby claims interest on the said sum of CI\$26,000.00 from 3rd January 2006 pursuant to Section 34 of the Judicature Law (2004 Revision) or under the equitable jurisdiction of the Court on the amount due and at such rate and for such period as the Court shall think fit.

AND THE PLAINTIFF CLAIMS:

1. Payment of the said principal sum of CI\$26,000.00.
2. Payment of the contractual interest to 4th February 2006 of CI\$6,500.00
3. Interest pursuant to Section 34 of the Judicature Law (2004 Revision), or pursuant to the equitable jurisdiction of the Court on the amount due and at such rate and for such period as the Court shall think fit.
4. Costs.

Dated the 22nd day of November 2006



RITCH & CONOLLY
Attorneys at Law for the Plaintiff

If, within the time limit for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$26,000.00 and CI\$6,500.00 for interest, together with fixed costs of CI\$860.00 to the Plaintiff or its attorneys, further proceedings will be stayed.

TO: The Clerk of the Court

AND TO: The Defendant of PO Box 409, Grand Cayman KY1-1106,
Cayman Islands

BETWEEN:

MELODY WHITTAKER

PLAINTIFF

AND:

GARFIELD JOSEPHS

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 no
-

Service of the Writ 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.

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

Ritch & Conolly
PO Box 1994
Queensgate House
113 South Church Street
Grand Cayman KY1-1104

RHH/10452/Whittaker

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

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 495 GT, 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 endorsed 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.