

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 523 OF 2006

BETWEEN: SCOTIABANK & TRUST (CAYMAN) LTD

PLAINTIFF

AND: GODFREY BOWEN

DEFENDANT



WRIT OF SUMMONS

**TO: Godfrey Bowen
PO Box 1226
Grand Cayman KY1-1108
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 the service of this Writ of Summons on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, PO Box 495, George Town, Grand Cayman, 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 judgment may be entered against you forthwith without further notice.

Issued this *7th* day of December 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 Acknowledgement of Service are given with the accompanying form.

PARTICULARS OF CLAIM

1. By a guarantee dated 25 June 2004 in consideration of Plaintiff advancing money by way of loans, overdrafts and credit facilities to Air-Tech Engineering Corporation Limited ("Air-Tech") the Defendant covenanted with the Plaintiff to guarantee all debts and liabilities, present or future, owing by Air-Tech to the Plaintiff together with interest thereon and banking charges.
2. From the date of the said guarantee the Plaintiff has made advances to Air-Tech under various loans, overdrafts and credit facilities.
3. As at the 12 September 2006 the following sums remain owing to the Plaintiff:
 - 3.1 Loan number 700002282 being a principal sum of CI\$584,984.00 plus interest of CI\$31,456.82 totalling CI\$616,440.82;
 - 3.2 Loan number 700002376 being a principal sum of CI\$180,269.58 plus interest of CI\$8,720.29 totalling CI\$188,989.87; and
 - 3.3 Operating facility on account 70000644 being a principal sum of CI\$202,837.95 plus interest of CI\$10,097.18 totalling CI\$212,935.13.

4. Despite repeated requests for payment by the Plaintiff neither Air-Tech nor the Defendant has paid the outstanding sum of CI\$1,018,365.82 being the aggregate of the principal sum extended plus interest and minus any part payments thereof.

5. Further the Plaintiff is entitled to claim interest on the sum of CI\$1,018,365.82 pursuant to the Judicature Law (2004 Revision) for such period as the Court shall deem fit.

6. AND the Plaintiff claims:-

(i) The sum of CI\$1,018,365.82

(ii) Interest pursuant to the rates as established by the Judicature Law (2004 Revision)

(iii) Costs

(iv) Such further or other relief as this Honourable Court may deem appropriate.

Charles Adams Ritchie & Duckworth

**CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF**

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**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

Important. Read the accompanying direction. Delay may result in judgment being entered and notes for guidance carefully before against a Defendant whereby he may have to completing this form. If any information pay the costs of applying to set it aside. required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

1. State whether the Defendant intends to contest the proceedings (tick appropriate box)

Yes No

2. 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

Address for Service:

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.

Charles Adams Ritchie & Duckworth
2nd Floor, Zephyr House
122 Mary Street, George Town
PO Box 709
Grand Cayman KY1-1107
Cayman Islands

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

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.