

CAUSE NO. OF 2007

G 0052/07

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

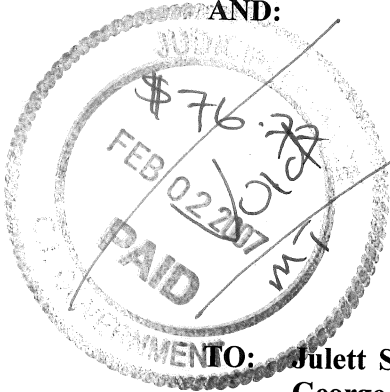
FIRSTCARIBBEAN INTERNATIONAL
BANK (CAYMAN) LTD

PLAINTIFF

AND:

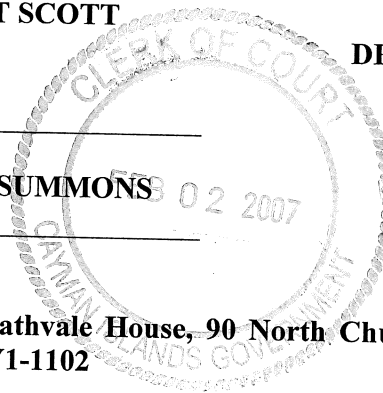
JULETT SCOTT

DEFENDANT



Adm. fees

WRIT OF SUMMONS



TO: Juliett Scott, P. O. Box 1092, Strathvale House, 90 North Church Street,
George Town, Grand Cayman KY1-1102

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, 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 1st day of February 2007

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.

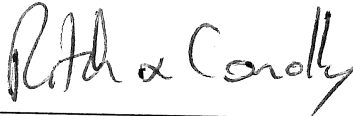
STATEMENT OF CLAIM

1. The Plaintiff is a Bank carrying on business at PO Box 301, Broad Street Bridgtown, Barbados and at its branch at PO Box 68, FirstCaribbean House, 25 Main Street, George Town, Grand Cayman KY1-1102 and the Defendants were customers of the Plaintiff.
2. The Defendants applied to the Plaintiff for a loan in the sum of CI\$93,669.00 to assist them with the purchase of a property and this loan was secured by a First Legal Charge on the property registered at the Lands & Survey Department as George Town South, Block 14D, Parcel 331 ("Parcel 331").
3. Parcel 331 was at all material times registered in the name of the Defendant and on or about 10th October 1997 the Plaintiff as Chargee and the Defendant as Chargor executed a Legal Charge in respect of Parcel 331.
4. There was also a second Legal Charge registered against Parcel 331, in favour of the Cayman Islands Government. This Charge was a guarantee from the Cayman Islands Government to the Plaintiff.
5. The Legal Charge dated 10th October 1997 provided that:
 - 5.1 The Plaintiff would lend to the Defendant and the Defendant would borrow the principal sum of CI\$93,669.00.
 - 5.2 Interest on that amount would accrue at the rate of 3% above CI\$ prime per annum.
6. In or about August 2000 the Defendants failed to pay the monthly instalments due in respect of the principal sum and interest, and failed to make any subsequent payments of either principal or interest save for payments in the of CI\$4,348.32 which was offset against outstanding arrears.
7. The Plaintiff issued proceedings pursuant to the provisions of the Registered Land Law (1995 Revision) in connection with the Legal Charge.
8. Pursuant to an Order of Sale dated 21st June 2002 in Cause No. 160 of 2001 and subsequently an Order dated 25th June 2003 the Plaintiff secured a sale of Parcel 331 for CI\$90,000.00 and applied the net proceeds of sale in reduction of the Defendants' indebtedness.
9. Given the above, the principal debt now outstanding is CI\$17,677.29, together with interest and late fees as at the date of these proceedings in the sum of CI\$28,485.78, totaling CI\$46,163.07. Interest continues to accrue on the outstanding balance at a rate of 11.25% per annum, a daily sum of CI\$3.75.

AND THE PLAINTIFF CLAIMS:-

1. Payment of the principal sum of CI\$17,677.29.
2. Interest on the principal sum of CI\$28,485.78 and continuing from the date of these proceedings until payment at a rate of 11.25% per annum, a daily sum of CI\$3.75.
3. Fixed costs in the sum of CI\$500.00 together with the fee payable for issuing this Writ in the sum of CI\$561.63.
4. Further or other relief.

Dated the 1st day of February 2007.



RITCH & CONOLLY

Attorneys at Law for the Plaintiff

If, within the time limited for returning the Acknowledgement of Service the Defendants pay the amount claimed of CI\$46,163.07 and fixed costs and court fees of CI\$1061.63 to total CI\$47,224.70 further proceedings will be stayed. The money must be paid to the Plaintiff or its attorney.

TO: The Clerk of the Court
AND TO: The Defendant, P.O. Box 1092, Strathvale House, 90 North Church Street, George Town, Grand Cayman KY1-1102.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN: FIRSTCARIBBEAN INTERNATIONAL BANK (CAYMAN) LTD PLAINTIFF

AND: JULETT SCOTT 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
Grand Cayman KY1-1104**

MB/8258/FCIB_SCOTT

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, George Town, Grand Cayman KY1-1106.

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.