

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 17B OF 2007

**BETWEEN: WILSON CONSTRUCTION MANAGEMENT PLAINTIFF
LTD**

**AND: (1) E-TECHNOLOGIES CAYMAN ISLANDS LTD
(2) COAST HILL DEVELOPMENT INTERNATIONAL COMPANY LTD DEFENDANTS**



**(3) HERBERT PEINTNER
(4) MICHAEL BROWN**



WRIT OF SUMMONS

TO THE DEFENDANTS:

E-Technologies Cayman Islands Ltd
2nd Floor
Mirco Centre
P.O. Box 866 GT
Grand Cayman KY1-1103
Cayman Islands

Herbert Peintner
P.O. Box 866 GT
Moon Bay Apts.
Bodden Town
Grand Cayman KY1-1103
Cayman Islands

Coast Hill Development International Company Ltd
P.O. Box 866 GT

Grand Cayman KY1-1103
Cayman Islands

Michael Brown
C/o E-Technologies Cayman
Islands Ltd
P.O. Box 866 GT
Grand Cayman KY1-1103
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 on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box, 495GT, George Town, Grand, Cayman, the accompanying Acknowledgement of Service stating 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 27th day of April 2007.

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.

INDORSEMENT

THE PLAINTIFF'S claim is for:

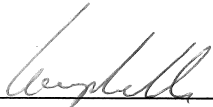
- (a) Payment of CI\$145,772.50 following breach of contract by the First, Second, Third and Fourth Defendant for the failure to pay the agreed sum of CI\$145,772.50 as due and owing to the Plaintiff for the Plaintiff's employed services alternatively, in the case of the 2nd to 4th Defendants, as the guarantors of and providers of security in relation to the debt of the 1st Defendant to the Plaintiff.
- (b) Interest pursuant to Section 34(1) of the Judicature Law (1995 Revision) to be assessed.
- (c) Legal Costs.
- (d) Such further or other relief as this Honourable Court thinks just.

If within the time for returning Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$145,772.50 (including interest and costs). Further proceedings will be stayed.

The money must be paid to the Plaintiff, or its attorneys.

Dated this 27th day of April 2007.

Filed this day of April 2007



CAMPBELLS

Attorneys-At-Law for the Plaintiff

TO: Plaintiff

AND TO: The Clerk of the Court

AND TO: The First, Second, Third and Fourth Defendant

THIS WRIT was issued by Campbells, Attorneys-At-Law for the Plaintiff whose address for service is P.O. Box 884GT, Scotia Centre, 4th Floor, George Town, Grand Cayman (Our Ref: AJW/BJH/12874)

4. 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

N/A

Service of the Writ of Summons is acknowledged accordingly.

(Signed)

[Attorney] for the Defendant.

Address for service: (*see 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 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.

Campbells Attorneys-at-Law P.O. Box 885 GT 4 th Floor Scotia Centre George Town, Grand Cayman Ref: AJW/BJH/12874

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 495, 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 installments 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 his 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.