

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

THE CAYMAN ISLANDS CIVIL SERVICE ASSOCIATION
CO-OPERATIVE CREDIT UNION LIMITED

PLAINTIFF

AND:

HOWARD VERNON

DEFENDANT



WRIT OF SUMMONS



TO: Howard Vernon of PO Box 11326, Grand Cayman KY1-1009, 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 24th day of May 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's claim is for the sum of CI\$37,648.33 for money had and received by the Defendant to and for the use of the Plaintiff.

PARTICULARS

On or about 26th May 2004 the Plaintiff loaned to the Defendant a sum which, together with the balance of previous loans made to the Defendant, gave a balance of CI\$72,317.60. The Plaintiff and the Defendant executed a Loan Agreement on 26th May 2004 in terms that the Defendant was to repay this sum by 96 monthly instalments of CI\$1,126.18 in respect of the principal sum loaned and accruing interest.

2. Payments have been made by or on behalf of the Defendant as follows:

	Payment	Allocated to Interest	Allocated to Principal
21 st July 2004	1,200.00	912.53	287.47
5 th July 2005	7,809.44	7,288.00	521.44
26 October 2005	1,427.91	1,427.91	-
21 st November 2005	600.00	600.00	-
24 th February 2006	8,726.65	2,871.30	5,855.35
14 th June 2006	1,713.47	1,713.47	-
11 th January 2007	30,984.44	4,399.51	26,584.93
27 th February 2007	1,946.20	526.12	1,420.08
		Payment allocated to principal	34,669.27
		Principal loaned	71,317.60
		Balance outstanding	37,648.33


3. Further, the Plaintiff is entitled to and hereby claims interest from 28th February 2007 to date on the said sum of CI\$37,648.33 pursuant to Section 34 of the Judicature Law (2004 Revision) at the rate of 7.25% per annum in the sum of CI\$635.64.
4. In the alternative the Plaintiff claims interest on the said sum of CI\$37,648.33 under the equitable jurisdiction of the Court at such rate and for such period as the Court thinks just.
5. Further, the Plaintiff is entitled to and hereby claims interest on the said sum of CI\$37,648.33 at the rate of 7.25% per annum until judgment or sooner payment at the rate of CI\$7.4780929 per diem,

6. In the alternative the Plaintiff claims interest on the said sum of CI\$37,648.33 under the equitable jurisdiction of the Court at such rate and for such period as the Court thinks just.

AND THE PLAINTIFF CLAIMS:-

1. Payment of the principal sum of CI\$37,648.33.
2. Interest from 28th February to date in the sum of CI\$635.64.
3. Continuing interest at the rate of 7.25% per annum in the amount of CI\$7.4780929 per diem.
4. Costs.

Dated the 24th day of May 2007


RITCH & CONOLLY
Attorneys at Law for the Plaintiff

If, within the time limited for returning the Acknowledgement of Service the Defendant pays the amount claimed of CI\$37,648.33 and interest of CI\$635.64 and fixed costs of CI\$976.00 to the Plaintiff or its attorneys further proceedings will be stayed.

TO: The Clerk of the Court

AND TO: The Defendant of PO Box 11326, Grand Cayman KY1-1009,
Cayman Islands

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 RHJ/10707/CICSA v Vernon
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Endorsement 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, 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 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.