

IN THE GRAND COURT OF THE CAYMAN ISLANDS

334
CAUSE NO: OF 2007

BETWEEN:

JOSEPH GABEL

PLAINTIFF

AND:

DELLEAN EBANKS

DEFENDANT

ORIGINATING SUMMONS

TO: Dellean Ebanks, P.O. Box 2233GT, Grand Cayman

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of Joseph Gabal, 4689 SW 72nd Ave, Miami, Fla, USA, 33155, the Plaintiff's claim against the Defendant is for the return of a deposit of CI\$20,500 paid to the Defendant by the Plaintiff in accordance with a conditional Offer to Purchases of property known as Registration Section George Town, Block 20B, Parcel 26, otherwise also known as 38 Bernard Drive, George Town, made between the Defendant and the Plaintiff on 20 July 2006, the condition in the contract not having been met.

The Defendant claims that a subsequent amended Offer to Purchase not signed by the parties supersedes the original signed conditional agreement giving the Defendant the right to claim the deposit by default.

In addition to the return of the deposit of CI\$20,500, the Plaintiff is seeking fixed Court application costs, bailiff costs, legal fees of CI\$2,500 to date and continuing on an indemnity basis, plus 12 months interest outstanding on the principle of 3% (CI\$615.00) as of the date of this originating summons, increasing daily at the rate of CI\$1.68 per day until payment in full.

If the Defendant does not acknowledge service, such judgment may be given or order made against her as the Court may think just and expedient.

Dated the day of August 2007


STUARTS WALKER HERSANT

NOTE - This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

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 495G, George Town, Grand Cayman.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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BETWEEN: JOSEPH GABEL PLAINTIFF
AND: DELLEAN EBANKS DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.
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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)
 yes no
-

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

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 principal office.

Please complete overleaf

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

c/o Anthony Akiwumu / Irvin Banks
STUARTS WALKER HERSANT
Cayman Financial Centre
36A Dr. Roy's Drive
P.O. Box 2510
George Town
Grand Cayman, 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.

