

IN THE GRAND COURT OF THE CAYMAN ISLANDS

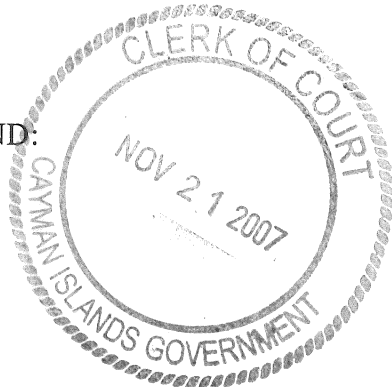
566  
566  
CAUSE NO: OF 2007

BETWEEN:

KENT RANKIN

PLAINTIFF

AND:



1<sup>st</sup> ANTHONY SCOTT  
2<sup>nd</sup> EDITH MARTIN  
3<sup>rd</sup> LUCY EBANKS



DEFENDANTS

WRIT OF SUMMONS

TO: Anthony Scott  
4th Floor Cardinal Plaza,  
30 Cardinal Avenue  
P.O. Box 2887,  
George Town  
CAYMAN ISLANDS,  
KY1-1112

And To: Edith Martin and Lucy Ebanks  
Shedden Road  
George Town, Grand Cayman  
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 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein 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 21<sup>st</sup> day of Nov 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.

## STATEMENT OF CLAIM

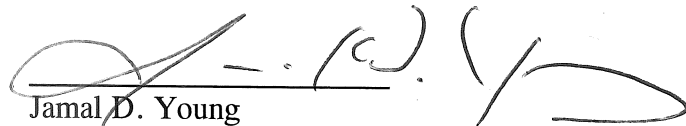
- 1) The Plaintiff is a resident of the Cayman Islands and he is and has at all materials times been the registered owner of land known in the Land Registrar's Record as Block 14 CJ Parcel 51 and as such he is the owner and entitled to possession of the land and buildings thereon (the "premises").
- 2) On or about the end of June or beginning of July 2007, the Plaintiff 's agent licensed the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants to occupy the premises expressly and only until the end of September 2007.
- 3) It was an express and agreed term of the said license that the said license was limited to the period up to the end of September 2007 at which time the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants must vacate the premises and in any event they agreed to do so and accepted the license upon that basis.
- 4) The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants did not vacate the premises at the end of September 2007, whereupon they became trespassers. On October 2, 2007, the Plaintiff visited the premises and discovered the presence of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants and expressly ordered them to vacate the premises forthwith. This was confirmed in writing by letter dated 5th October 2007.
- 5) Wrongfully and by way of trespass and from the 1st October 2007, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants by themselves and or their servants and or agents or otherwise have failed and otherwise refused to vacate the premises.
- 6) Further, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants by themselves and or their servants and or agents or otherwise have wrongfully claimed to have a right to remain at the premises.
- 7) The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants by themselves and or their servants and or agents or otherwise have threatened to and intend to remain on the premises unless restrained by this Honourable Court.
- 8) By reasons of the matters aforesaid the Plaintiff has been deprived of the use of the said premises and he has thereby suffered damage

AND THE PLAINTIFF claims:

1. A Declaration that the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants whether by themselves or by their servants or agents or otherwise are not entitled to remain on the premises.
2. An injunction to restrain the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants whether by themselves or by their servants or agents or otherwise howsoever from continuing to remain on the premises.
3. Damagers to be assessed
4. Interest
5. Costs

If, within the time for returning the Acknowledgment of Service, the Defendants satisfies or otherwise pays the total amount claimed (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Dated this 20<sup>th</sup> Day of November 2007



Jamal D. Young  
Attorney-at-Law for the Plaintiff

THIS WRIT was issued by Jamal D. Young Attorney-at-Law for the Plaintiff whose address for service is 21 Eclipse Drive, P.O. Box 10734, Grand Cayman, KY1-1007, Cayman Islands.

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 495G, 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 instalments 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 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.

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DEFENDANTS

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.

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

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

yes  no

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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

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Service of the Writ is acknowledged accordingly

(Signed).....  
Attorney

**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.

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

Jamal D. Young  
Attorney-at-Law  
21 Eclipse Drive,  
P.O. Box 10734, Grand Cayman,  
KY1-1007

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

[Empty box for defendant's attorney indorsement]