

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 0115 OF 2008

BETWEEN OF COURT
CAYMAN ISLANDS GOVERNMENT

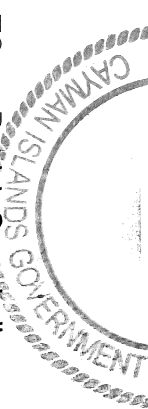
FIRST CARIBBEAN INTERNATIONAL BANK
(CAYMAN) LIMITED

PLAINTIFF

AND:
FEB 25 2008

PATRICK CAMPBELL
(TRADING AS ROY CAMPBELL & SONS)

DEFENDANT



WRIT OF SUMMONS



TO: Patrick Campbell
T/A Roy Campbell & Sons
Construction Company
PO Box 589 GT
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, PO Box 495GT, 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 25th day of February 2008

NOTE – This Writ may not be served later than 4 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, First Caribbean International Bank (Cayman) Limited, is a bank carrying on business at FirstCaribbean House, 25 Main Street, P.O. Box 1321GT, George Town, Grand Cayman, Cayman Islands.
2. The Defendant is and was at all material times a customer of the Plaintiff.
3. Pursuant to a facility letter dated 10 November 2006 the Plaintiff renewed the Defendant's revolving overdraft facility of CI \$180,000.00 on account number 2112817 (the "overdraft").
4. The overdraft was repayable on demand. Pursuant to the facility letter interest is calculated daily at 1% over prime with an effective rate of 9.25% per annum.
5. The Defendant failed to service the overdraft in accordance with the terms agreed.
6. By letters dated 5 October 2007, the Plaintiff's attorneys made a written demand for repayment of the outstanding balance on the overdraft but the Defendant has failed to repay the whole or any part of such outstanding balance.
7. As at 19 November 2007, the Defendant was indebted to the Plaintiff in respect of the overdraft in the sum of CI \$103,037.03. Further, the Plaintiff is entitled to and claims interest pursuant to facility letter at the rate of 9.25% per annum from 20 November 2007 until the date of issue of the Writ herein, amounting to CI\$2,402.31 and further the Plaintiff claims interest at the aforesaid rate from the date of issue of the Writ herein until judgment or sooner payment amounting to CI\$26-11 per day.

AND THE PLAINTIFF CLAIMS:

- (a) Payment of the said sum of CI 103,037.03 outstanding on the overdraft;
- (b) Interest pursuant to the facility letter at the rate of 9.25% per annum amounting to CI\$2,402.31.

- (c) Interest at the aforesaid rate until judgment or sooner payment amounting to CI\$26.11 per day until payment or judgment;
- (d) Ad valorem fees of CI\$515.19;
- (e) Costs;
- (f) Further and other relief.

DATED this 25th day of February 2008


~~WALKERS~~
Attorneys at Law for the Plaintiff

This Writ is issued by Walkers, Attorneys at Law, Walker House, Mary Street, PO Box 265GT, George Town, Grand Cayman, for the Plaintiff whose address for service is care of its said Attorneys at Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

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BETWEEN:

FIRSTCARIBBEAN INTERNATIONAL BANK
(CAYMAN) LIMITED

PLAINTIFF

AND:

PATRICK CAMPBELL
(TRADING AS ROY CAMPBELL & SONS)

DEFENDANT

**ACKNOWLEDGEMENT 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 Delay may result in judgment being entered directions and notes for guidance carefully against a Defendant whereby he may have to before completing this form. If any information pay the costs of applying to set it aside. required is omitted or given wrongly, THIS

FORM MAY HAVE TO BE RETURNED.

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) _____

Patrick Campbell
T/A Roy Campbell & Sons
Construction Company

Address for service: PO Box 589GT, George Town, Grand Cayman

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

Walkers
Attorneys at Law
PO Box 265GT
Walker House, 87 Mary Street
George Town, Grand Cayman
Ref: DMM/SJH/nb/70422

Indorsement 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 Courts Office, PO Box 495GT, 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

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 Court's 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 Court's office.