

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 20 OF 2009

BETWEEN: ROYAL BANK OF CANADA

PLAINTIFF

AND: CINDY LIZ ADAM

DEFENDANT

WRIT OF SUMMONS

TO THE DEFENDANT:

Ms. Cindy Liz Adam
109 Kings Road
P. O. Box 115 Hell
Grand Cayman KY1-1401
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 12th day of January 2009

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 Cayman Island Class "A" Licensed bank ("the Bank"), duly authorized under the laws of the Cayman Islands to, *inter alia*, offer retail facilities to its customers.
2. The Defendant was at all material times a resident in the Cayman Islands and a customer of the Bank.
3. The Defendant has a premier loan account, number 3314509 ("the Loan") with the Bank.
4. On 7 May 2008, the Defendant signed a promissory note ("The Promissory Note") which provided that the Defendant would, on demand, pay to the Bank the sum under the Loan, with interest thereon calculated and payable monthly at a rate equal to the Bank's personal loan base rate per annum, plus 2% per annum.
5. The Promissory Note also provided that the Defendant agreed to satisfy the Bank's costs, charges and expenses in the event that an action is commenced for the recovery of the moneys due.
6. Payment under the terms of the Loan fell into arrears and on 2 October 2008, the Bank, through its attorneys, made formal demand for the immediate payment of the total amount outstanding, together with accrued interest to the date of payment.
7. By the Bank's attorney's letter, dated 2 October 2008, notice and demand to pay the outstanding sum under the Loan was made. No payments have been received from the Defendant.
8. As at 31 December 2008, the debt outstanding under the Loan totaled CI\$22,000.00, with interest of CI\$1,912.02 and late charges of CI\$750.00. As at 31 December 2008, outstanding arrears totaled CI\$5,904.00

9. Interest is also accruing on the Loan at a rate of 12% per annum. The Bank is therefore entitled to and claims interest on the Loan Account.
10. The Defendant also held a chequing account with the Bank ("the Chequing Account"). As at 30 September 2008 there was an overdraft of \$354.96 on the Chequing Account.
11. By the Bank's attorney's letter, dated 2 October 2008, notice and demand for payment of the outstanding sum under the Chequing Account was made. No payments have been received from the Defendant.
12. Overdraft charges of the Chequing Account accrue at a rate of CI\$10.00 per month. The Bank is therefore entitled to and claims the overdraft charges on the Chequing Account.
13. The balance on the Chequing account as at 31 December 2008 totaled CI\$469.96.

STATEMENT REGARDING INTEREST

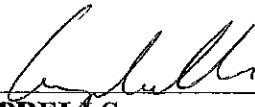
13.1. Interest calculations on the Loan:

- (i) As at 31 December 2008, total interest accrued amounts to CI\$1,912.02.
- (ii) Interest continues from 31 December 2008 to accrue at the daily rate of CI\$7.23 until payment.
- (iii) Arrears total CI\$5,904.00
- (iv) Late charges of CI\$750.00.

AND THE PLAINTIFF CLAIMS:

1. The sum of CI\$22,469.96;
2. Interest to 31 December 2008 on the Loan totaling CI\$1,912.02, accruing thereafter at the daily rate of CI\$7.23 until payment;
3. Late charges of CI\$750.00;
4. Costs; and
5. Such further and/or other relief as this Honourable Court deems appropriate.

If within the time for returning the acknowledgment of service the Defendant pays the total amount claimed of CI\$22,469.96, plus interest, late fees and costs, further proceedings will be stayed. The funds must be paid to the Plaintiff, or its attorney.



CAMPBELLS
Attorneys-at-Law for the Plaintiff

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by Campbells, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4th Floor, Scotia Centre, George Town, Grand Cayman (Ref: JRM/BJH/15738).

BETWEEN: ROYAL BANK OF CANADA

PLAINTIFF

AND: CINDY LIZ ADAM

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 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.

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

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

Service of the Writ 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 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 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 & Co.
Attorneys-at-Law
P.O. Box 884 GT
Fourth Floor
Scotia Centre
George Town, Grand Cayman
Ref: JRM/BJH/15738

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 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.