

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 186 OF 2009

BETWEEN:

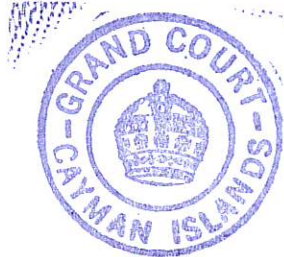
CHARLES EBANKS

PLAINTIFF

AND

SHERLON EBANKS
HENRY MORGAN

DEFENDANTS



ORIGINATING SUMMONS

TO: **SHERLON EBANKS** of 11 Barkers Road, Grand Cayman KY1-1203 and
HENRY MORGAN of Conch Point Road, Grand Cayman KY1-1201

LET THE DEFENDANTS, Sherlon Ebanks and Henry Morgan, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Court's Office, P.O. Box 495, George Town, Grand Cayman KY1-1106.

BY THIS SUMMONS which is issued on the application of the Plaintiff, Charles Ebanks, the Plaintiff seeks the relief as set out below:-

1. Further to the Letters of Administration granted in the Grand Court of the Cayman Islands on 20th June 1979, in the estate of Henry Azariah Ebanks, Albert Eugene Ebanks and Bergman Oswell Ebanks were appointed as Administrators of the estate of Henry Azariah Ebanks (deceased). Further to their duties the Administrators sold property belonging to the estate of Henry Azariah Ebanks to a third party for the sum of CI\$ 2.2 million.

2. Henry Azariah Ebanks had seven children only four of which had issue who were entitled to a quarter share of the sale proceeds. Of these four children, three were predeceased at the time of the property sale. As such the proceeds of the sale were due to be divided between the three estates and one individual.
3. The beneficiaries of the late Isaak Ducon Ebanks (one of the four offsprings of Henry Azariah Ebanks) were due to share the sum of CI\$ 514,150. One of these beneficiaries was the Plaintiff, Mr. Charles Ebanks.
4. Further to a written authorisation sent to the Attorneys for the estate, Appleby, the Administrators, Mr. Albert Eugene Ebanks and Mr. Bergman Oswell Ebanks, instructed that the Plaintiff's share of the proceeds, in the sum of CI\$ 51,415, be distributed to a Mr. Sherlon Ebanks and a Mr. Henry Morgan ("the Defendants"). It was further stipulated, in the instructions to Appleby that these funds should be held by the Defendants "*on behalf of and for the benefit of Charles Ebanks*". No explanation was given by the Administrators as to why the funds should be held on trust by the Defendants.
5. It is believed that the reason why the funds were paid to the Defendants (who are the brothers of the Plaintiff) was that, at the time of the distribution on or around September 2008, the Plaintiff was receiving medical treatment for schizophrenia.
6. No application was made, at any time, under the Mental Health Law (1997 Revision, section 13) for a Guardianship Order in relation to the Plaintiff. In any event, the Plaintiff has since received a letter from his doctor stating that the Plaintiff is of sound mind and able to occupy his home and to manage his own financial affairs.

The Plaintiff seeks an Order that the sum of CI\$ 51,415, which was paid over to the Defendants in or around September 2008, be paid to the Plaintiff.

If the Defendants do not acknowledge service, judgment may be given, or Order made against, or in relation to them, as the Court may think just and expedient.

Dated the 1st day of April 2009


RITCH & CONOLLY

Attorneys-at-Law
for the Plaintiff

NOTE: This Summons may not be served later than 4 calendar months (*or if leave is required to effect Notice out of the jurisdiction, 6 months*) beginning with that date, unless renewed by Order of the Court.

IMPORTANT

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *156* OF 2009

BETWEEN:

CHARLES EBANKS

PLAINTIFF

AND

**SHERLON EBANKS
HENRY MORGAN**

DEFENDANTS

**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.**

-
1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.
-
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:

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 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.

Messrs. Ritch & Conolly
Queensgate House
113 South Church Street
PO Box 1994
Grand Cayman KY1-1104

Ref: 11471

Endorsement 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 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 495, George Town, Grand Cayman KY1-1106.

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.