

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: GC <sup>211</sup> OF 2017

IN THE MATTER OF SECTION 56 REGISTERED LAND LAW (2004 REVISION)

BETWEEN

KENTSVILLE LTD.

Plaintiff

-v-

RAPHAEL MATHESON

Defendant



ORIGINATING SUMMONS

LET THE **DEFENDANT** of P.O. Box 10292, George Town, Grand Cayman KY1-1003, CAYMAN ISLANDS attend before a judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2017, at o'clock on the hearing of an application by the Plaintiff of P. O. Box 10236, Grand Cayman KY1-1002, CAYMAN ISLANDS that:

1. The Defendant shall forthwith vacate the premises known as and situate at Unit #22, 46 Kentsville Drive, Registration Section George Town East, Block 19E, Parcel 109 ("the Premises") removing all possessions, chattels, equipment and belongings thereon that belong to the Defendant.
2. The Defendant shall pay the sum of CI\$11,700.65 in unpaid rent, from 1 June 2015 to 31 August 2017 pursuant to the Lease.
3. The Defendant shall pay interest on all sums due pursuant to section 34 Judicature Law (2017 Revision) and Judgment Debts (Rates of Interest) Rules 2012 at the annual rate of 2.38% from 28 November 2017 at a daily rate of CI\$0.76.
4. The Defendant shall pay damaged for use and occupation at the daily rate of CI\$18.00 from 1 September 2017 until the Defendant vacates the Premises.
5. The Defendant shall pay the costs of the Plaintiff to be taxed if not agreed.

**AND LET THE DEFENDANT** within 14 days after service of this summons on him, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman.

Dated this 28 day of November 2017

HSM Chambers

**HSM Chambers**

Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant

TIME ESTIMATE: 45 minutes

**NOTES:-**

- 1) 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 the above date unless renewed by order of the Court.
- 2) If a Defendant does not attend personally or by his attorney at the time and place above-mentioned, such order will be made as the court may think just and expedient.

**IMPORTANT**

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

This Originating Summons was filed by HSM Chambers, Attorneys-at-law for the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman, KY1-1207, Cayman Islands (ref: 419892.0002).

## **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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B E T W E E N

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Defendant

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**ACKNOWLEDGEMENT OF SERVICE OF  
ORIGINATING SUMMONS**

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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

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Service of the Originating Summons is acknowledged accordingly

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(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.

**HSM Chambers**  
68 Fort Street  
George Town  
PO Box 31720  
Grand Cayman KY1-1207  
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.

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