

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION



CAUSE NO. 124 OF 2018

IN THE MATTER OF Order 5 r 4 OF THE GRAND COURT RULES

BETWEEN: EZMIE SMITH

PLAINTIFF

AND: DHARA A. LEVERS

1st DEFENDANT

AND: DHARA A. LEVERS, EXECUTOR OF THE ESTATE OF
PRIYADARSHINI ANANDA JUMARI LEVERS

2nd DEFENDANT

ORIGINATING SUMMONS

TO: Dhara A. Levers, 1st Defendant
Dhara A. Levers, 2nd Defendant Executor of the Estate of Priyadarshini Ananda Jumari
Levers
79 Shoreline Terrace, West Bay P.O. Box 31364, Grand Cayman KY1-1206

LET THE DEFENDANT, within 14 days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman.

By this Summons, which is issued on the application of Ezmie Smith of 159 Willie Farrington Drive, West Bay P.O. Box 287, Grand Cayman KY1-1301, the Plaintiff seeks the following orders:

1. The 1st Defendant is to make payment to the Plaintiff which falls due under a Promissory Note signed by the 1st Defendant and her late mother Priyadarshini Ananda Jumari Levers, deceased, as well as a series of loans made from August 2008- July 2014.
2. A Charge is to be placed against the 1st Defendant's share of property registered at registration section West Bay North East, Block 9A, Parcel 509 until repayment in full of the indebtedness.



3. In the alternative of Orders that a Charge be placed against the 1st Defendant's share of the property set out above, that an Inhibition be placed on the property in favour of the Plaintiff until repayment in full of the indebtedness.
4. That provision may be made for interest under the Judicature Law, legal fees and Court costs for this application.
5. Such further or other relief as the Court shall think fit.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to her as the Court may think just and expedient.

Dated the *28th* day of *June* 2018.

E. Smith

EZMIE SMITH
Plaintiff

NOTE – 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 that date unless renewed by order of the court.

IMPORTANT

Directions for Acknowledgment of service are given with the accompanying form.

This Originating Summons was issued by the Plaintiff whose address for service is 159 Willie Farrington Drive, West Bay, P.O.Box 287, Grand Cayman KY1-1301.

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 acts 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.

Indorsement by Plaintiff's Attorney in the box below.

Ezmi Smith
159 Willie Farrington Drive
P.O. Box 287 WB
Grand Cayman KY1-1301

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]

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.