



***IN THE GRAND COURT OF THE CAYMAN ISLANDS***

**CAUSE NO. 63 OF 2021**

***BETWEEN JAMES ORRIN EBANKS***

***PLAINTIFF***

***AND JAMES PATTERSON EBANKS***

***DEFENDANT***

***WRIT OF SUMMONS***

***TO: JAMES PATTERSON EBANKS  
13 Hamlet Lane, Corella Road  
Watercourse Road  
West Bay, Grand Cayman***

***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 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 Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

***If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.***

Issued this 31 day of March 2021

***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 Acknowledgement of Service are given with the accompanying form.

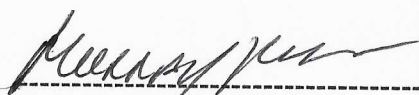
## ENDORSEMENT

The Plaintiff claims against the Defendant in that on or about the 8<sup>th</sup> day of February 2012 he fraudulently caused the Plaintiff to transfer property being Registration Section West Bay North West Block 1D Parcel 481 into the joint names of the Defendant and Plaintiff by falsely representing to the Plaintiff, whom he knew was illiterate and unable to read, that the Plaintiff was signing his Last Will and Testament. The Plaintiff further claims that on a date unknown to him the Defendant wrongly and fraudulently caused himself to be registered as a co-signatory and/or joint holder of the Plaintiffs Bank Account at the First Caribbean International Bank, formerly, CIBC. The Plaintiff further claims damages for assault in that on or about the 31<sup>st</sup> day of December 2020 the Defendant unlawfully and willfully assaulted the Plaintiff by violently removing from a chair and throwing him to the ground at 13 Hamlet Lane, Corella Road, Watercourse Road, West Bay, Grand Cayman, thereby causing him harm, injury and damage.

### **AND THE PLAINTIFF CLAIMS:**

- (A) A Declaration that the Plaintiff was induced to transfer the said properties to the Defendant by the Defendants fraud and/or misrepresentation and that the said transfer is null and void.
- (B) An Order that the Defendant do execute all such documents and do all such acts and things as may be necessary to re-transfer the properties to the Plaintiff and remove the Defendant's name as joint proprietor of the said property.
- (C) An Order empowering the Clerk of Courts to execute such document or documents necessary to carry out the Orders prayed for in (A) and (B) above, in the event the Defendant, refuses, neglects or fails to do the same if so ordered by the Court.
- (D) Damages for Assault.
- (E) A Permanent Injunction barring the Defendant, whether by himself or his agents or servants from any further assaults or unlawful interference by any of them as he goes about his lawful business.
- (F) Further or other relief as is deemed appropriate
- (G) An Order that the Plaintiff account for all transactions conducted by him with regards to the Plaintiffs account at the First Caribbean Bank (formerly CIBC) and return any and all funds withdrawn or removed by him or on his behalf from the said account.
- (H) Damages
- (I) Costs

Dated the 31<sup>st</sup> day of March 2021



Murray & Westerborg  
Attorneys-at-Law for the Plaintiff

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO.                      OF 2021**

**BETWEEN                      JAMES ORRIN EBANKS                      PLAINTIFF**  
**AND                              JAMES PATTERSON EBANKS                      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 judgement 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ 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 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:*

Murray & Westerborg  
Attorneys-at-Law  
2<sup>nd</sup> Floor (Southwest Wing)  
Cayman Shipping Centre Building  
10 Shipping Lane  
George Town  
Grand Cayman

*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]

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. OF 2021**

**BETWEEN JAMES ORRIN EBANKS PLAINTIFF**  
**AND JAMES PATTERSON EBANKS DEFENDANT**

**STATEMENT OF CLAIM**

1. The Plaintiff is the father of the Defendant and both parties are residents and neighbors of West Bay, Grand Cayman, Cayman Islands.
2. The Plaintiff, an illiterate man of advanced years, was fraudulently induced by the Defendant to execute the Transfer of Land Form transferring the property, the subject of this Cause, from his sole name and into their joint names, by a fraudulent misrepresentation on the part of the Defendant.

**PARTICULARS OF FRAUD/MISREPRESENTATION**

- (i) Sometime in or around late 2011 or early 2012 the Plaintiff informed the Defendant that he wished to make his Last Will and Testament to provide for the inheritance of his property, being Registration Section West Bay Northwest Block 1D Parcel 481 to his grandsons. He sought the assistance of the Defendant in having this done.
- (ii) On or about the 8<sup>th</sup> day of February 2012 the Defendant falsely represented to the Plaintiff that he was taking him to the Government Administration Building in George Town, Grand Cayman in order for the Plaintiff to sign his Last Will and Testament.
- (iii) On or about the said date the Defendant presented a document for the Plaintiff to sign, before a Justice of the Peace, known to the Plaintiff. The Plaintiff signed the same believing that it was his Last Will and Testament giving his property to his grandsons.
- (iv) Sometime in 2018 or 2019 the Plaintiff informed one of his grandsons, Ronaldo Garcia, to whom he was bequeathing part of the said Land in his Last Will and Testament, to proceed with making application to subdivide the property in order for the Plaintiff to transfer the portion of the property he intended to transfer to the said Ronaldo Garcia prior to his passing as he was now a fully grown adult.
- (v) The Plaintiff was subsequently informed by the said Ronaldo Garcia that the property was in the joint names of the Plaintiff and Defendant. The said information

by Ronaldo Garcia to the Plaintiff was the first occasion on which he was aware of the change of ownership of the property.

- (vi) The Plaintiff subsequently made repeated demands of the Defendant to have the property returned to his sole name but the Defendant has steadfastly refused to do so.
  - (vii) The Defendant at the time he had the Plaintiff sign the Transfer of Land Form knew that the Plaintiff was an illiterate man, that the Plaintiff did not intend to transfer the property to him, knew that the Plaintiff intended on making a Will bequeathing the property to his grandsons, and that the Plaintiff intended and was led by the Defendant to believe that the document he was signing was his Last Will and Testament, which the Defendant fully knew it was not.
3. In the premises the said Transfer of the said property is null and void and the Plaintiff is entitled to having the said property re-transferred into his sole name.

#### Assault

4. On or about the 31<sup>st</sup> day of December 2021 the Defendant unlawfully assaulted the Plaintiff, while the Plaintiff was a lawful visitor at the home of the Defendant, by forcefully pulling him from a chair he was sitting in and throwing him to the ground.
5. In consequence of the matters aforesaid the Plaintiff sustained injuries.

#### Particulars of Injuries

- (a) Bruising of the left side;
- (b) Severe bruising of the left forearm and wrist;
- (c) Bruising of the right palm and thumb.

#### **Plaintiffs Bank Account Missing Funds**

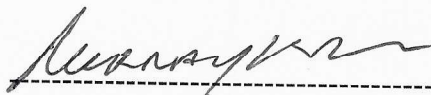
6. The Plaintiff is the owner of a Bank account for many a decades with the CIBC Bank, now known a First Caribbean Bank/CIBC.
7. The Plaintiff's Pension from the Seaman's and Government Pension Plans totaling approximately CI\$1,900.00 per month are deposited into the said account.
8. On or about the 14<sup>th</sup> day of February 2021 the Plaintiff attended the said Bank with his grandson, Ronaldo Garcia, to enquire into the account, as he was unable to locate his Bank Books from where he kept them in his home. At the Bank, the Plaintiff was informed that the sum credited to the account was CI\$15,000.00 and that the Defendant was a co-signatory on the account.

9. The Plaintiff has never authorised the Defendant being a co-signatory and/or joint owner on or of his account.
10. The amount stated to be in the account was far less than the Plaintiff expected to be in the same.

AND THE PLAINTIFF CLAIMS:

- (a) A Declaration that the Plaintiff was induced to transfer the said properties to the Defendant by the Defendants fraud and/or misrepresentation and that the said transfer is null and void.
- (b) An Order that the Defendant do execute all such documents and do all such acts and things as may be necessary to re-transfer the properties to the Plaintiff and remove the Defendant's name as joint proprietor of the said property.
- (c) An Order empowering the Clerk of Courts to execute such document or documents necessary to carry out the Orders prayed for in (A) and (B) above, in the event the Defendant, refuses, neglects or fails to do the same if so ordered by the Court.
- (d) Damages for Assault.
- (e) A Permanent Injunction barring the Defendant, whether by himself or his agents or servants from any further assaults or unlawful interference by any of them as he goes about his lawful business.
- (f) Further or other relief as is deemed appropriate
- (g) An Order that the Plaintiff account for all transactions conducted by him with regards to the Plaintiffs account at the First Caribbean Bank (formerly CIBC) and return any and all funds withdrawn or removed by him or on his behalf from the said account.
- (h) Damages
- (i) Costs

Dated the 31<sup>st</sup> day of March 2021



Murray & Westerborg  
Attorneys-at-Law for the Plaintiff

**THIS STATEMENT OF CLAIM** was filed by Murray & Westerborg, Attorney-at-Law, for and on behalf of the Plaintiff, whose address for service is that of her said Attorneys-at-Law, The Second Floor (Southwest Wing) Cayman Shipping Centre Building, 10 Shipping Lane, George Town, Grand Cayman.