



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

CAUSE NO. 161 OF 2021

In the Matter of the Estate of Cadian Andhal Ebanks deceased (P&A 126 of 2021 of 2021)

BETWEEN:

Roxma Julie Rankin (1)

Roxnel Felicia Salmon (2)

Cadion Andhal Ebanks (3)

**Roxma Julie Rankin (as personal representative
and Administratrix-nominate of the
Estate of Cadian Andhal Ebanks deceased) (4)**

Plaintiffs

-AND-

Roxane Octavia Basham-Ebanks

Defendant

WRIT OF SUMMONS
(Generally Indorsed)

TO: ROXANE OCTAVIA BASHAM-EBANKS, 17 Seaside Way, Savannah, Grand Cayman, by personal service

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 495GT, 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 31st day of July 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.

General Injunctive
of relief claimed

The Father of the First, Second and Third Plaintiffs and of the Defendant was Cadian Andhal Ebanks (“the deceased”) who died on 19th July 2021 leaving a widow, namely Beverley Isola Miller Ebanks (“the widow”), and the Plaintiffs claim:

1. A declaration that
 - (a) WBNW Block 4B parcel 178 (“parcel 178”) is owned beneficially by the Fourth Plaintiff and held on trust by the Defendant for the Plaintiffs, the widow, and the Defendant under the Succession Act statutory trusts; and
 - (b) the proceeds of sale of parcel WBNW Block 1C parcel 138 (“the 138 sale proceeds”) are beneficially owned by the Fourth Plaintiff and held on resulting trust by the Defendant for the Plaintiffs, the widow and the Defendant; and

consequential Orders to put the parties and the widow in the position they would have been in but for the breach(es) of trust of the Defendant

Further and/or Alternatively

2. A declaration that as at the date of his death the deceased was the beneficial owner of parcel 178 and the 138 sale proceeds and both were held on trust by the Defendant for the widow and the parties hereto pending the grant of Letters of Administration in P&A 126 of 2021.

Further or Alternatively

3. Declarations that the transfers to the Defendant by the deceased in 2012 were *void ab initio* or were at all materials times voidable and for an Order now setting them aside for

presumed undue influence by the Defendant on the deceased, and/or for mutual mistake of them both, and/or because of duress by the Defendant against the will of the deceased, or on the basis that the transfers were made by the deceased to the Defendant at her insistence with her intent being to defraud the widow and the First, Second and Third Plaintiffs: as is/was pleaded by the widow in her divorce proceedings against (i) the deceased as Respondent and (ii) the Defendant as the “Intervenor”, in Grand Court Cause FAM 227 of 2011

AND in the premises further or other Orders, to preserve the assets of the Estate of the deceased pending the trial herein, in light of the continuing attempts by the Defendant to sell parcel 178 and to put any/all sale proceeds of both parcels beyond the reach of the Plaintiffs and the widow

4. An interim injunction
 - (a) restraining the Defendant, her servants and agents from selling and/or dealing with parcel 178 until judgment be given herein;
 - (b) ordering the Defendant to pay in to Court the monthly rents (CI\$2,000 per month as at the date of death of the deceased) she is collecting from parcel 178 until judgment herein;
5. An Order that the Defendant pay in to the Court within 21 days, to be held pending the trial herein, the 138 proceeds of sale;
6. damages for breaches of trusts by the Defendant and all necessary accounts and further or other relief as meets the case;
7. Interest pursuant to statute on monies found owing by the Defendant to the Plaintiffs or any of them and costs.

Dated this 31st July 2021



CHAPMANS
Attorneys for the Plaintiffs

THIS WRIT OF SUMMONS was issued by CHAPMANS, Attorneys for the Plaintiffs, whose address for service is: Commonwealth House, PO Box 742, 81 West Church St, West Bay, Grand Cayman KYI-1303 (jchapman@chapmanslegal.com)

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 instalments or otherwise.

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 its 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.

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BETWEEN:

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Roxnel Felicia Salmon (2)

Cadian Andhal Ebanks (3)

**Roxma Julie Rankin (as personal representative
and Administratrix-nominate of the
Estate of Cadian Andhal Ebanks deceased) (4)**

Plaintiffs

-AND-

Roxane Octavia Basham-Ebanks

Defendant

**ACKNOWLEDGMENT 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 full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.
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2. State whether the Defendant intends to contest the proceedings (tick 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

no

Service of the Writ is acknowledged accordingly

(Signed).....

Defendant / Attorney for the Defendant

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 or principal office.

Indorsement by plaintiffs' Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Chapmans
Commonwealth House
81 West Church St, West Bay,
Grand Cayman KY1-1303
Cayman Islands
jchapman@chapmanslegal.com

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.