



IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO. 184 OF 2021

BETWEEN:

The Estate of Emil Burkley White deceased
(by William Berkley White and James Chapman
as Co-Administrators)

Plaintiff

-AND-

FIRST FINANCIAL CARIBBEAN LIMITED (1)
The Registrar of Companies of the Cayman Islands (2)
The Personal Representatives of the Estate of George Allenger deceased (3)
Defendants

WRIT OF SUMMONS

TO: First Financial Caribbean Limited c/o, and to for herself, the Registrar of
Companies of the Cayman Islands, Grand Cayman
AND TO: The Estate of George Allenger deceased c/o Shiona Allenger and Shane Allenger

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 26th day of August 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.

Statement of Claim

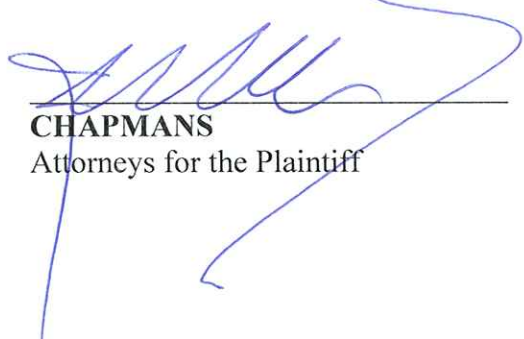
1. The Plaintiff Estate owns the land known as South Sound Block 15D parcel 20 (“parcel 20”) on Grand Cayman.
2. The First Defendant is the registered proprietor of a charge recorded on the said parcel 20 as entries 3 and 4 and instrument 7356/04 dated 30th July 2004.
3. The said charge purports to secure a loan to and/or other debt alleged to be owed by Emil Burkley White (deceased) for US\$100,000. The debt was in fact monies borrowed by, and owed to the First Plaintiff, by one George Allenger (now deceased and his Estate is the Third Defendant). No such or any loan was ever made to Emil Burkley White and no such debt was ever owed by him to the First Defendant. Accordingly the said charge is void, or voidable and ought to be set aside as entered into under undue influence, duress or mutual mistake and/or for a total failure of consideration.
4. The First Defendant company is in default with the Second Defendant and listed by the Second Defendant to be “struck off” for having no Registered Office and failing to pay fees to the Second Defendant from as far back as 2012.
5. Without a registered office where this writ against the First Defendant can be served the Second Defendant maintains or ought to maintain the best details of the First Defendant, its beneficial owner(s), its shareholders and directors, and who otherwise controls it and/or who was the last registered office provider and therefore the Second Defendant can best bring notice of this writ to the attention of the First Defendant, in default, as effective service of the writ/claims of the Plaintiff Estate herein.
6. Alternatively the Second Defendant is joined so it can discover herein information as to the First Defendant to best assist the Court as to the legality or otherwise of the said charge encumbering the said parcel 20, the property of the Plaintiff Estate.

7. The Third Defendant knows the true state of affairs regarding the alleged debt and if it has been sully paid or not and if the said charge can be discharged and how/why it came to be registered against the said parcel 20.

And the Plaintiff claims:

- (1) An Order that the said charge dated 30th July 2004 and instrument 7356/04 at entries 3 and 4 in the Incumbrances Section of the Land Register for the said parcel 15D 20 be removed and cancelled therefrom by the Registrar of Lands;
- (2) A declaration that the said charge is/was void *ab initio* and or is now declared void and/or of no effect; and / or the debt is to be discharged by the true debtor being the Third Defendant Estate;
- (3) Further or other relief as meets the case.
- (4) The costs hereof be provided for.

Dated this 26th August 2021



CHAPMANS
Attorneys for the Plaintiff

THIS WRIT OF SUMMONS was issued by CHAPMANS, Attorneys for the Plaintiff, whose address for service is:
Commonwealth House, PO Box 742, 81 West Church St, West Bay, Grand Cayman KY1-1303 (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.

BETWEEN:

The Estate of Emil Burkley White deceased
(by William Berkley White and James Chapman
as Co-Administrators)

Plaintiff

-AND-

FIRST FINANCIAL CARIBBEAN LIMITED (1)

The Registrar of Companies of the Cayman Islands (2)

The Personal Representatives of the Estate of George Allenger deceased (3)

Defendants

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.

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 plaintiff's 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.