

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 193 OF 2021

IN the MATTER OF S.14 OF THE GRAND COURT ACT (2015 REVISION)
AND ORDER 80, RULE 17 OF THE GRAND COURT RULES 1995 (REVISED EDITION)
AND Section 18 AND Section 19 (a) OF THE THE MENTAL HEALTH ACT (2021 REVISION)
AND IN THE MATTER OF **PATRICK DELROY ALLEN** AN ADULT WITH DIMINISHED MENTAL CAPABILITIES

BY

ELAINE MILLER -ALLEN

APPLICANT

ORIGINATING SUMMONS



LET ALL PARTIES attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day _____ of _____ 2021, at o'clock on the hearing of an application by the Applicant for the following Orders pursuant to the provisions of the of s.14 of the Grand Court Act (2015 Revision).

1. Guardianship of PATRICK DELROY ALLEN an adult with diminished mental capabilities ("**the Patient**") be granted to his wife, ELAINE MILLER ALLEN ("**the proposed Guardian**").
2. That the proposed Guardian be granted the powers to;
 - i. provide the required consent on behalf of the Patient for medical treatment or procedure he may require, and all follow up medical procedures which may become necessary in the future.
 - ii. sign any documentation whether medical or legal necessary for the Patient's treatment or any other need that may arise.
 - i. hire any nursing or home care assistant to assists me with his care as and when required.
 - ii. pay any salaries, expenses, hospital, and medical charges relating to services or treatment provided to him.
 - iii. pay any salaries, expenses, hospital, and medical charges relating to services or treatment provided to the Patient.
 - iv. conduct and execute any other necessary or required action, instructions, or decisions which the Guardian considers necessary for the Patient's wellbeing and care.

3. That the proposed Guardian be granted the powers to:
 - i. manage, sell, acquire, charge, or deal with the property.
 - ii. enter any settlement.
 - iii. provide for the management of a business.
 - iv. dissolve a partnership.
 - v. complete a contract.
 - vi. conduct legal proceedings.

4. Leave for the proposed Guardian to take the Patient out of the jurisdiction, where necessary.

APPOINTMENT OF RECEIVER

5. That the Applicant is appointed Receiver for the Patient pursuant to GCR O.80, r.17.
6. Leave of the Court to dispense with the need for the Originating Summons for appointment as Receiver pursuant to GCR O.80, r.17 (3).
7. That the proposed Receiver be granted an order to apply for probate of a Will on behalf of the Patient, including the settlement of any gift or property willed to the Patient.
8. Such further directions as this Honourable Court may deem appropriate.

Dated this day of September 2021
Filed this *9th* day of September 2021

BRADYS

BRADY ATTORNEYS
Attorneys-at-Law for the Applicant

TO: The Clerk of the Court

AND TO: The Respondent
 Patrick Delroy Allen

AND LET THE RESPONDENT within fourteen (14) days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgment of Service to the Court's office.

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 order will be made as the Court may think just and expedient.

IMPORTANT

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

Time Estimate: The estimated length of the hearing of this Originating Summons is 1 hour.

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 guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts 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.

BRADY ATTORNEYS AT LAW
2ND Floor Anderson Square
George Town, Grand Cayman
Tel 345 323-1967/345 946-3203
(CB/MSR/Miller-Allen)

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