



**SUMMARY COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. SC OF 2022**

**JUDITH REYES** **PLAINTIFF**  
**AND** **GARTH CHRISTOPHER DUNCAN** **DEFENDANT**

**PLAINT**

To the Defendant

Garth Christopher Duncan  
G & A Spectacular Cleaning  
1a Cardinal Avenue  
George Town  
Grand Cayman

THIS PLAINT 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 Complaint on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

**If you fail** to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for default Judgment without any further notice to you.

Issued this 10<sup>th</sup> day of July 2022

***See overleaf for particulars***

**PARTICULARS OF CLAIM**

1. The Plaintiff was at all material times a resident of the Cayman Islands.
2. The Defendant was at all material times a resident of the Cayman Islands.
3. On or about the 23<sup>rd</sup> day of March 2022 the Defendant borrowed and the Plaintiff loaned the Defendant the sum of CI\$1,000.00.
4. It was a condition of the said loan that the Defendant would repay the said loan on or before the 20<sup>th</sup> April 2022.
5. The Plaintiff has made both personal and formal demand on the Defendant to pay the outstanding loan plus the associated costs but the Defendant has failed and/or refused to do so.
6. By reason of the aforesaid the Plaintiff has suffered and continues to suffer loss and damages.

**Particulars of Loss & Damages**


(a) Balance Outstanding on Loan	CI\$1,000.00
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**STATEMENT AS TO INTEREST**

- (a) The prescribed rate of interest from the 20<sup>th</sup> April 2022 to the date of filing is 2.38% per annum.
- (b) The accrued interest to date (10<sup>th</sup> July 2022) is CI\$149.70
- (c) The per diem interest as of the 20<sup>th</sup> April 2021 is CI\$ 2.77 per day and continues to accumulate until such time as the debt is paid in full.

AND THE PLAINTIFF THEREFORE CLAIMS:

- (a) The said sum of CI\$1,000.00
- (b) Accrued Interest of CI\$149.70
- (c) Continuing Interest pursuant to the Judicature Law
- (d) Costs

  
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 Murray & Westerborg  
 Attorneys-at-Law for the Plaintiff

Plaintiff's address for service:

Murray & Westerborg  
The Second Floor (South West Wing)  
Cayman Shipping Centre Building  
10 Shipping Lane  
George Town, Grand Cayman

Acknowledgment of service of Plaintiff

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF PLAINT

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 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also complete and serve the Particulars of Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Plaintiff, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the Particulars of Defence are not filed and served within 14 days of the time for acknowledging receipt of the Plaintiff.
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 seek time to pay the claim or 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 or seeking time to pay, 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.

*See over for notes for guidance*

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.

*IN THE SUMMARY COURT OF THE CAYMAN ISLANDS*

*CAUSE NO. SC OF 2022*

*BETWEEN JUDITH REYES PLAINTIFF*  
*AND GARTH CHRISTOPHER DUNCAN DEFENDANT*

*PLAINT*

*ACKNOWLEDGEMENT OF SERVICE*

1. State Defendants name and address:

2. State whether the Defendant intends to contest the action.

( ) yes ( ) no

3. If you do not intend to contest the action, do you want time to pay the claim?

( ) yes ( ) no

4. If you intend to contest the action, in whole or part, you must set out full particulars of your defence overleaf.

*Service of the Plaintiff is acknowledged accordingly.*

\_\_\_\_\_  
Defendant's Signature

Dated this      day of                      2022

*See Overleaf*

**PARTICULARS OF DEFENCE**

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed).

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Defendant's Signature

**REMINDER -**