



AND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022

BETWEEN: Chris van den Bol PLAINTIFF

AND: Nelina McLaughlin aka Lina McLaughlin DEFENDANT

WRIT OF SUMMONS

To: Nelina McLaughlin aka Lina McLaughlin
46 Agouti Link, Savannah Gables,
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 Courts Office, P.O.Box 495, G.T. Grand Cayman the accompanying Acknowledgement of Service form stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return to the Acknowledgment within the time stated, or if you fail to 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 at George Town this 6th day of October, 2022.

NOTE: This Writ may not be served later than four (4) calendar months (or if leave is required to effect service out of the jurisdiction, six (6) months) beginning with the day 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 resides at 141 South Sound Rd, Apt 8, San Sabastian, Grand Cayman.
2. The Defendant lives at 46 Agouti Link, Savannah Gables, Grand Cayman.
3. The Defendant is indebted to the Plaintiff in the sum of CI\$73,500.00 being monies obtained by her from the Plaintiff by way of loans dated February 25, 2022 (" Loan 1 ") ; June 8, 2022 ("Loan 2") and June 11, 2022 (" Loan 3") together with agreed penalty thereon.

PARTICULARS**Loan 1**

4. On or about February 25, 2022, the Defendant borrowed the sum of CI\$5,200 from the Plaintiff.
- 4.1. It was an express term of the written agreement between the parties that the Defendant would commence repayment of CI\$1,000.00 per month from March to July,2002 (5months) with the balance of CI\$200.00 to be repaid in August, 2022.
- 4.2. The agreement further stipulated that any delay by the Defendant in her repayment will attract interest at 10%.
- 4.3. The Defendant repaid CI\$1,000.00 of this loan leaving an unpaid balance of CI\$4,200,00 owing thereon .

Loan 2

- 5 That on or about June 8, 2022, the parties entered into another loan agreement in which the Plaintiff agreed to lend and did lend the sum Of CI\$ 58,000.00 to the Defendant.
- 5.1 That among the express/implied terms of the agreement were that the full amount of CI\$58,000.00 was to be repaid within 30days after June 8, 2022 and further that if the repayment was later than July 8, 2022, the Defendant must pay a penalty of 10% of the total sum owed (ie CI\$5,800.00) and the normal rate of mortgage interest thereafter.
- 5.2. That the Defendant has not repaid this loan amount and penalty in whole or in part.

- b) Interest pursuant to the loan agreements and/or of the Judicature Law and the Judgment Debts (Rates of Interest Rules) from date of the Writ to the date of the Judgment or sooner payment.
- c) Costs to be taxed if not agreed
- d) Such further and/or other relief as the Honourable Court deems appropriate

If within the time returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$73,500.00 as well as interest and costs further proceedings will be stayed. The funds must be paid to the Plaintiff’s attorney.

DATED this 6th day of October, 2022.

FILED this day of October, 2022



 Morris Garcia

Attorney-at-law for the Plaintiff.

To: The Clerk of Courts

AND To: The Defendant, Nelina “Lina” McLaughlin, 36 Agouti Link, Savannah Gables, Grand Cayman

Filed by Morris M. Garcia, 67 Artemis House, GT, Grand Cayman, Attorney-at-law for the Plaintiff.

ACKNOWLEDGEMENT OF SERVICE
OF THE 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/she may have to pay the costs of applying to set aside.

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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 sum, 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}~~Plaint~~ is acknowledged accordingly

(Signed) _____

[Attorney] for:

[Defendant in person]

Address for service:

Notes on Guidance

Attorneys: 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.

Morris Garcia
Attorney-at- law
67 Artemis House, GT
Grand Cayman

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

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgement of Service should be completed by an Attorney acting on behalf of the defendant or by the defendant if acting in person.

After completion is 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 Acknowledgement 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 the Statement of Claim is endorsed 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 Claim is not endorsed 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/her defence within the appropriate time, the plaintiff may enter judgment against him/her without further notice.

3. **A Stay of Execution** against the defendant's goods may 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 the payment of the money by installments 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 Acknowledgement 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 authorized 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.