



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2023

**MATTER OF SECTIONS 3, 4, 5 & 8 OF THE SUCCESSION ACT (2006
v)**

**MATTER OF REGISTRATION SECTION EAST END BLOCK 72B
PARCEL 3
IN THE MATTER OF REGISTRATION SECTION HIGH ROCK BLOCK 68A
PARCEL 131
IN THE MATTER OF GRANT OF PROBATE TO THE LAST WILL AND
TESTAMENT
OF AVIS CONOLLY TO JAMES TRUMAN CONOLLY IN P. 119 OF 1994**

BETWEEN GWENIEVERE BROWN nee CONOLLY PLAINTIFF

AND JAMES TRUMAN CONOLLY DEFENDANT

ORIGINATING SUMMONS

**TO: JAMES TRUMAN CONOLLY
2720 Foster Avenue
Brooklyn, New York 11210
United States of America**

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff, Gwenievere Whittaker nee Conolly, of East End, Grand Cayman, Cayman Islands, the Plaintiff seeks the following relief against the Defendant:

1. A Declaration that the Plaintiff is entitled to the Transfer of Registration Section East End Block 72B Parcel 3 into her sole name.
2. An Order requiring the Defendant to complete the transfer of properties to the parties entitled under the Last Will and Testament of Avis Conolly, of which he was granted Probate on the 22nd day of February 1995, within 30 days of the making of this Order.
3. Alternatively, that the Defendant be removed as Executor of the Estate of the late Avis Conolly and a suitable appointment be made in his stead.

4. An Order that the Defendant do file all necessary accounts relative to the Estate since the Grant of Probate supported by all supporting evidence.
5. Such further Order as the Court deems fit and proper in the circumstances.
6. An Order that the Defendant do bear the costs of this application.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to her as the Court may think just and expedient.

Dated the 5th day of April 2023.



Murray & Westerborg
Plaintiff's Attorneys-at-Law

NOTE – This Summons may not be served later than 4 calendar months (or if there is leave to effect service out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

IMPORTANT

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

THIS ORIGINATING SUMMONS was issued by Murray & Westerborg, Attorneys-at-Law, for and on behalf of the Plaintiff whose address for service is that of her said Attorneys-at-Law, The Second Floor (South West Wing) Cayman Shipping Centre Building, 10 Shipping Lane George Town, Grand Cayman.

Acknowledgment of Service of Originating SummonsDIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
ORIGINATING 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 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] a [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 [Plaint] [Writ of Summons] [Originating Summons] [Motion], 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] is not filed and served within 14 days of the time for acknowledging receipt of the [Plaint] [Writ of Summons] [Originating Summons] [Motion].
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 installments or otherwise.

See over for notes for guidance

IN THE GRAND COURT OF THE CAYMAN ISLANDS

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IN THE MATTER OF REGISTRATION SECTION HIGH ROCK BLOCK 68A PARCEL 131

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BETWEEN GWENIEVERE BROWN nee CONOLLY PLAINTIFF
AND JAMES TRUMAN CONOLLY DEFENDANT

**ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed).....
[Attorney] for
[Defendant in person]
Address for service:

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 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 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:

Murray & Westerborg
Cayman Shipping Centre Building
2nd Floor (Southwest Wing)
10 Shipping Lane \
George Town
Grand Cayman

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