



**THE GRAND COURT OF THE CAYMAN ISLANDS
DIVISION**

CAUSE NO. OF 2024

IN THE MATTER OF S. 124 OF THE REGISTERED LAND ACT (2018 REVISION)

AND

**IN THE MATTER OF REGISTRATION SECTION GEORGE TOWN CENTRAL, BLOCK 14C PARCEL 84,
REGISTRATION SECTION GEORGE TOWN CENTRAL, BLOCK 13D PARCEL 403 AND REGISTRATION
SECTION NORTH SIDE, BLOCK 57E 87.**

AND

IN THE MATTER OF ESTATE CAROLYN CARLEITH SMITH, AKA CAROLYN SMITH, DECEASED

BETWEEN DAVID WAYNE SMITH APPLICANT

AND KEVIN RAY DUNCAN RESPONDENT

ORIGINATING SUMMONS

TO: Kevin Ray Duncan
 7 Wood Pecker Close
 P.O. Box 30892 George Town
 KY1-1204 Grand Cayman

LET THE DEFENDANT of 7 Wood Pecker Close, P.O. Box 30892 George Town, KY1-1204 Grand Cayman attend before a Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of February 2024 on the hearing of an application by the Plaintiff which seeks the following orders:

1. That pursuant to s. 124 of the Registered Land Act (2018 Revision) an inhibition be placed on the following parcels of land (hereinafter called the "**Properties**"):
 - 1.1. Registration Section George Town Central, Block 14C Parcel 84;

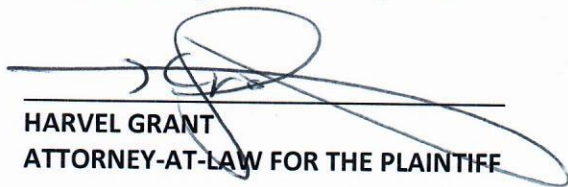
THIS ORIGINATING SUMMONS was issued by **HARVEL GRANT** of P.O. Box 23, Grand Cayman, KY1-1106 Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

- 1.2. Registration Section George Town Central, Block 13D Parcel 403; and
- 1.3. Registration Section North Side, Block 57E 87.
- 2. That the Administrator of the Estate of Carolyn Carleith Smith AKA Carolyn Smith is prevented from selling, obtaining loans, charging or otherwise dealing with the above Properties prejudicial to the interest of the Applicant until further order of the Court.
- 3. That the Administrator of the Estate Carolyn Carlieth Smith AKA Carolyn Smith files an Inventory of the estate within 90 days of this order.
- 4. That the Administrator of the Estate of Carolyn Carlieth Smith AKA Carolyn Smith takes steps to distribute the estate to the Applicant according to the rule of intestacy in Section 29 of the Succession Act (2021 Revision) (the "Act").
- 5. That the property known as Registration Section George Town Central, Block 14C Parcel 84 be declared property for the sole benefit of the Applicant and not for sharing pursuant to Section 29 of the Act.
- 6. Costs of this application be the Respondent.

AND 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, P.O. Box 495G, George Town, Grand Cayman.

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

DATED the 31 day of January 2024


 HARVEL GRANT
 ATTORNEY-AT-LAW FOR THE PLAINTIFF

NOTE - 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 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 **HARVEL GRANT** of P.O. Box 23, Grand Cayman, KY1-1106 Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

**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 the Defendant.
4. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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 a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO. OF 2024

IN THE MATTER OF S. 124 OF THE REGISTERED LAND ACT (2018 REVISION)

AND

IN THE MATTER OF REGISTRATION SECTION GEORGE TOWN CENTRAL, BLOCK 14C PARCEL 84,
REGISTRATION SECTION GEORGE TOWN CENTRAL, BLOCK 13D PARCEL 403 AND REGISTRATION
SECTION NORTH SIDE, BLOCK 57E 87.

AND

IN THE MATTER OF ESTATE CAROLYN CARLEITH SMITH, AKA CAROLYN SMITH, DECEASED

BETWEEN DAVID WAYNE SMITH APPLICANT

AND KEVIN RAY DUNCAN RESPONDENT

ACKNOWLEDGMENT OF SERVICE OF
ORIGINATING SUMMONS

If you intend to instruct an Attorney to act for you, give that Attorney 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

YES

NO

Service of the Originating Summons is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service

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, the Defendant must give the Defendant's post office box number and the physical address of the Defendant's residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant should be sent. In the case of a limited company, "residence" means its registered principal office.

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

Harvel Grant Attorney-at-Law P.O. Box 23 Bodden Town KY1-1601 Grand Cayman

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

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