

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

**CAUSE NO:
LACV0092/2025**

**IN THE MATTER OF THE PRESUMPTION OF DEATH (ANNA EVANS) ACT
2020**

**IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 4 OF THE
PRESUMPTION OF DEATH (ANNA EVANS) ACT 2020**

**IN THE MATTER OF AN APPLICATION BY ELSILDA SMITH
(the “Applicant”) FOR A PRESUMPTION OF DEATH ORDER OF LINVOL
OVERLYN SMITH**

BETWEEN: ELSILDA SMITH

APPLICANT

EX PARTE SUMMONS

LET THE PARTIES attend before the Judge in Chambers at the Law Courts,
George Town, Grand Cayman, on the day of 2026
o’clock” in the fore/afternoon on the hearing of the application by the Applicant
who seeks the determination of the Court on the following question, namely an
Order:

1. That, pursuant to section 4 of the Presumption of Death (Anna Evans)
Act 2020 (“the Act”), the Applicant, seeks a Presumption of Death Order,
being the spouse of Linvol Overlyn Smith, who went missing on the 18th
day of May 2018 and is believed to have entered the water while under

the influence of alcohol, off West End, Cayman Brac, Cayman Islands, to go free diving in approximately fifteen feet of water for conch.

2. The said Linvol Overlyn Smith was last seen at 3:00 pm on the 18th day of May 2018, in the water east of the Grunt Valley dive site, approximately 50 to 100 yards offshore from an entry point beside a white building at the end of Lily's Lane, West End, Cayman Brac, Cayman Islands.
3. Between 19th May and 23rd May 2018, extensive searches by air, land, and sea were carried out by the Royal Cayman Islands Police ("RCIPS") Dive Team, with support from other law enforcement agencies, members of the diving industry, private boat owners, and members of the public. All searches found no trace of the said Linvol Overlyn Smith, and it is believed that he is deceased.
4. Since the 18th day of May 2018, the Applicant's husband has not been seen, and there is no evidence that the Deceased has been alive since that date. And it has been more than seven years since he went missing.
5. That the Registrar General of the Cayman Islands Government enter the date of death of the Deceased as 18th May 2018, in the Registrar of Presumed Death's records, pursuant to section 11 and the Schedule to the Act.
6. Where this Honourable Court makes a presumption of death but remains uncertain whether Linvol Orlyn Smith died within the period from 18th May to 23rd May, the Court is invited to find that he died at the end of this period.

7. That there be a further or other relief as this Honourable Court deems just.

Dated: the 18th day of January 2026

Kathleen Ryan

[Signature of Petitioner or his Attorney]

TO: The Clerk of the Courts

TIME ESTIMATE: **45 minutes**