



CONFIDENTIALITY,
INTEGRITY AND
INDEPENDENCE

Produced by the

**Office of the Complaints
Commissioner**

to assist the general public in
pursuing legal remedy through
the Summary Court.



SMALL CLAIMS HANDBOOK

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Volume 2

APPENDIX A - Summary Court Forms

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No. 1
Plaint

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

BETWEEN:

Plaintiff

AND:

Defendant

To the Defendant

THIS PLAINT has been issued against your by the above – named Plaintiff in respect of the claim set out on the next page.

Within 14 days after service of this Plaint 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 Acknowledgment of Service form stating therein 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 a **default judgment** without any further notice to you.

Issued this day of 20

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

(Here set out in numbered paragraphs the grounds upon which the Plaintiff claims that the Defendant is indebted to him or is liable to pay damages to him)

AND the Plaintiff claims:

- 1 The sum of _____.

- 2 Interest in the sum of \$_____ calculated at the prescribed rate from to date.

- 3 Fixed costs of \$_____, alternatively costs to be assessed.

Plaintiff's Signature

Plaintiff's address for service

No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

Between:

Plaintiff

AND:

Defendant

ACKNOWLEDGMENT OF SERVICE

1 State Defendant's 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 in which to pay the claim?

Yes

No

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

Service of the Plaint is acknowledged accordingly.

Defendant's Signature

Dated this _____ day of _____, 20__

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)

Defendant's Signature

REMINDER - This form must be taken or sent to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.

No. 3

Application for Default Judgment

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

BETWEEN:

Plaintiff

AND:

Defendant

APPLICATION FOR DEFAULT JUDGMENT

The Plaintiff hereby applies to the Chief Clerk pursuant to SCR rule 7(1) for final judgment/interlocutory judgment with damages to be assessed **(delete as applicable)** against the Defendant in the form and for the amounts specified in the draft annexed hereto.

The Plaintiff certifies that:

- 1 The Plaintiff was served on the Defendant as evidenced by the Acknowledgment of Service/indorsement on the copy plaint/affidavit of service filed herewith **(delete as applicable)**.
- 2 The Defendant has not filed an Acknowledgment of Service or has filed one which does not indicate any intention to defend or does not contain full particulars of his defence.

AND the Plaintiff hereby applies for the Court file to be closed pending the determination of this application.

DATED this _____ day of _____ 20__

Plaintiff's Signature

No. 4

Default Judgment - Final

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

Between:

Plaintiff

AND:

Defendant

DEFAULT JUDGMENT

UPON the Plaintiff's application for default judgment dated the ___ day of _____, 20__.

AND UPON being satisfied that the Plaintiff was duly served.

AND no notice of intention to defend and/or no particulars of defence having been filed prior to the date of the Plaintiff's application, it is this day adjudged that the Defendant do pay to the Plaintiff the principal sum of \$_____, interest thereon of \$_____ and fixed costs of \$_____.

DATED this ___ day of _____, 20__

FILED this ___ day of _____, 20__

Magistrate

No. 5

Default Judgment - Interlocutory

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

BETWEEN:

Plaintiff

AND:

Defendant

DEFAULT JUDGMENT

UPON the Plaintiff's application for default judgment with damages to be assessed dated the ___ day of _____, 20__.

AND UPON being satisfied that the Plaintiff was duly served.

AND no notice of intention to defend (except as to quantum of damages) and/or no particulars of defence having been filed (except as to quantum of damages) prior to the date of the Plaintiff's application, it is this day adjudged that the Plaintiff do have judgment against the Defendant for damages to be assessed together with fixed costs of \$_____.

DATED this ___ day of _____, 20__

FILED this ___ day of _____, 20__

Magistrate

No. 6
Application to Fix Trial Date

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

Between:

Plaintiff

AND:

Defendant

APPLICATION

The Plaintiff hereby applies to the Chief Clerk to fix a date for the trial of the action and to serve notice of the trial date upon the parties.

Dated this ____ day of _____, 20__

Plaintiff's Signature

NOTICE OF TRIAL DATE

TAKE NOTICE that the trial of this action will take place before the Magistrate at the Law Courts, George Town, Grand Cayman on the ____ day of _____, 20__ at ____ am/pm.

AND FURTHER TAKE NOTICE that if the Plaintiff fails to attend the plaint may be struck out. If the Defendant fails to attend the Magistrate may proceed with the trial and judgment may be given in the Defendant's absence.

AND FURTHER TAKE NOTICE that both parties are required to bring with them at least three copies of all the documents which they wish to give in evidence.

DATED this ____ day of _____, 20__

Chief Clerk

No. 7
Summons – General Form

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC ____ of 20__

BETWEEN:

Applicant

AND:

Respondent

SUMMONS

To the Respondent

YOU ARE HEREBY SUMMONED to appear before the Magistrate at the Law Courts, George Town, Grand Cayman on the ____ day of _____, 20__ at ____am/pm upon the hearing of an application by:

(Applicant's name and address)

for the following orders and relief set out overleaf.

DATED this ____ day of _____, 20__

Applicant's signature

See Overleaf

ORDERS AND RELIEF CLAIMED

(Here set out in numbered paragraphs the orders and relief claimed against the Respondent)

APPLICANT'S GROUNDS

(Unless the applicant has sworn an affidavit, here set out in numbered paragraphs the grounds upon which the Applicant claims to be entitled to such orders against the Respondent)

Applicant's signature

No. 7
Summons – Ex parte Form

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC ____ of 20__

BETWEEN:

Applicant / Judgment Creditor

AND:

Respondent / Judgment Debtor

Respondent / Garnishee

EX PARTE SUMMONS

LET ALL PARTIES CONCERNED attend before the Magistrate at the Law Courts, George Town, Grand Cayman on the ____ day of _____, 20__ at ____ am/pm upon the hearing of an application by:

(Applicant's name and address)

for the following orders and relief set out overleaf.

DATED this ____ day of _____, 20__

Applicant's signature

See Overleaf

ORDERS AND RELIEF CLAIMED

(Here set out in numbered paragraphs the orders and relief claimed against the Respondent)

APPLICANT'S GROUNDS

(Unless the applicant has sworn an affidavit, here set out in numbered paragraphs the grounds upon which the Applicant claims to be entitled to such orders against the Respondent)

Applicant's signature

No. 8
Notice of Appeal

IN THE GRAND COURT OF THE CAYMAN ISLANDS
ON APPEAL FROM THE SUMMARY COURT

Grand Court Cause No. _____ of 20__
(Cause No. SC ___ of 20 __)

BETWEEN:

Appellant

AND:

Respondent

NOTICE OF APPEAL

TAKE NOTICE that I, _____, intend to appeal against the order of the summary Court made on _____ day of _____, 20__

The grounds of my appeal are as follows-

DATED this _____ day of _____, 20__

Appellant's Signature

APPENDIX B - Grand Court Forms

GCR Form No. 14	Notice of payment into Court
GCR Form No. 15	Notice of acceptance of money paid into Court
GCR Form No. 25	Judgment after trial before Judge without jury
GCR Form No. 26	Writ of <i>Fieri Facias</i>
GCR Form No. 29	Writ of Sequestration
GCR Form No. 30	Order for examination of Judgment Debtor or officer
GCR Form No. 30A	Application for examination of Judgment Debtor
GCR Form No. 31	Garnishee order to show cause
GCR Form No. 32	Garnishee order absolute where garnishee owes more than judgment debt
GCR Form No. 33	Charging order: notice to show cause
GCR Form No. 34	Charging order absolute
GCR Form No. 35	Application for Attachment of Earning Order (Judgment Debt)
GCR Form No. 36	Statement of Means
GCR Form No. 37	Notice to Employer
GCR Form No. 38	Attachment of Earnings Order
GCR Form No. 39	Notice of Hearing (Reconsideration)
GCR Form No. 40	Notice of Hearing

No. 14

Notice of payment into Court (0.22, rr.1&2)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

NOTICE OF PAYMENT INTO COURT

TAKE NOTICE that the Defendant [*state name*] has paid \$[*state amount*] into Court.

The said \$[*state amount*] is in satisfaction of [*state cause of action*] [*state all the causes of action*] in respect of which the Plaintiff claims [*and after taking into account and satisfying the above-named Defendant's cause of action for [state counterclaim] in respect of which he counterclaims*].

or

The said \$[*state amount*] is in satisfaction of the following causes of action in respect of which the Plaintiff claims, namely [*state claim*] [*and after taking into account as above*].

or

Of the said \$[*state amount*], \$ _____ is in satisfaction of the Plaintiff's cause[s] of action for [*state claim*] [*and after taking into account as above*].

Dated the _____ day of _____ 20__ .

[Signature of Defendant's Attorney]

TO: The Clerk of the Court

AND TO: [*state name and address of Plaintiff or his Attorney*]

This Notice was filed by [*name of Defendant or his Attorney*] whose address for service is [*state address within the jurisdiction*] [*Attorney for the Defendant*].

No. 15

Notice of acceptance of money paid into Court (0.22, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

NOTICE OF ACCEPTANCE OF MONEY PAID INTO COURT

TAKE NOTICE that the Plaintiff accepts the sum of \$[*state amount*] paid by the Defendant [*state name of Defendant*] in satisfaction of the cause(s) of action in respect of which it was paid into Court and in respect of which the Plaintiff claims [*against that Defendant*] [*and abandons the other causes of action in respect of which he claims in this action*].

Dated the day of 20__ .

[*Signature of Plaintiff's Attorney*]

TO: The Clerk of the Court

AND TO: [*state name and address of Defendant or his Attorney*]

This Notice was filed by [*name of Plaintiff or his Attorney*] whose address for service is [*state address within the jurisdiction*] [*Attorney for the Plaintiff*].

No. 25

Judgment after trial before Judge without jury (0.42, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [*state name*]

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

JUDGMENT

THIS ACTION having been tried before the Honourable Mr. Justice [*state name*] without a jury, at the Law Courts, George Town, on [*state dates or period during which the trial took place*].

IT IS ORDERED AND ADJUDGED that:

1. The Defendant do pay the Plaintiff the principal sum of \$[*state amount*] together with interest of \$[*state amount*].
2. The Defendant do pay the costs of the action, to be taxed if not agreed.
3. [*It is directed that execution of this judgment be stayed [state terms]*].

Dated the day of 20__ .
Filed the day of 20__ .

JUDGE OF THE GRAND COURT

This Judgment was filed by [*name of Plaintiff or his Attorney*] whose address for service is [*state address within the jurisdiction*] [*Attorney for the Plaintiff*].

No. 26

Writ of fieri facias (0.45, r.12)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

WRIT OF FIERI FACIAS

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith

To the Bailiff, greeting

WHEREAS in the above named action it was on the day of 20__ ordered and adjudged in this Court that the Defendant do pay the Plaintiff the principal sum of \$[state amount] and interest thereon of \$[state amount] and costs to be taxed [costs which have been taxed and allowed at \$[state amount] as appears by the certificate of the taxing officer dated the day of 20__].

WE COMMAND you to seize the goods, chattels and other property of [state the judgment debtor's name] authorised by law to be seized in execution; to sell the said goods, chattels and other property; and to pay out of the proceeds of sale, after having deducted your fees and proper expenses of sale, the said sum of \$[state amount] to [state name of Judgment Creditor].

AND WE ALSO COMMAND you to indorse on this writ immediately after execution thereof a statement of the manner in which you have executed it and send a copy of the statement to the judgment creditor.

WITNESS the Honourable Mr. Justice [state name], Chief Justice of the Grand Court this day of , 20__ .

Dated the day of 20__ .

[Signature of Judgment Creditor's Attorney]

This Writ was issued by [name of Judgment Creditor or his Attorney] whose address for service is [state address within the jurisdiction] [Attorney for the Judgment Creditor].

No. 29

Writ of sequestration (0.45, r.12)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

WRIT OF SEQUESTRATION

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith

To [*state name of sequestrator*]

WHEREAS in the above named action [*or matter*] it was on the day of 20__ ordered and adjudged that [*state judgment debtor's name*] do pay the principal sum of \$[*state amount*] together with interest thereon of \$[*state amount*] and costs to be taxed [*costs which have been taxed and allowed at \$[state amount]*] as appears by the certificate of the taxing officer dated the day of 20__ [*or state details of mandatory injunctions, as the case may be*].

KNOW YE, therefore, that we, in confidence of your prudence and fidelity, do by this writ authorise and command you, or any two or three of you, to enter upon and take possession of all the real and personal estate of the said [*state name*] and to collect, receive and get into your hands the rents and profits of his real estate and all his personal estate and keep the same under sequestration in your hands until the said [*state name*] shall [*pay into Court to the credit of the said action or matter the sum of \$[state amount] or as the case may be*] and clear his contempt and until our said Court shall make an order to the contrary.

WITNESS the Honourable Mr. Justice [*state name*], Chief Justice of the Grand Court this day of , 20__ .

Dated the day of 20__ .

[*Signature of Plaintiff's Attorney*]

This Writ was issued by [*name of Plaintiff or his Attorney*] whose address for service is [*state address within the jurisdiction*] [*Attorney for the Plaintiff*].

No. 30

Order for examination of Judgment Debtor or officer (O.45, r.7(4))

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name] [in Chambers]

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF/JUDGMENT CREDITOR

AND:

DEFENDANT/JUDGMENT DEBTOR

ORDER FOR EXAMINATION OF JUDGMENT DEBTOR OR OFFICER

UPON HEARING Counsel for the Plaintiff upon his summons dated [].

UPON reading the affidavit of [state deponent's name], filed herein

IT IS ORDERED that

1. The Judgment Debtor, [state name] [or, (state name) being a director or officer(s) of the Judgment Debtor] do attend before the Judge in Chambers at the Law Courts, George Town on the [state date] at [state time] to be orally examined about the debts owing to and property owned by the Judgment Creditor.
2. The said Judgment Debtor [or named officer(s) of the Judgment Debtor] shall produce all the books and records in his possession or power relating to the debts owed to and property owned by him including [list any specific documents either in the order or a schedule to it].
3. The costs of this order and of the examination shall be in the discretion of the Judge taking the examination.

Dated the day of 20__ .

Filed the day of 20__ .

JUDGE OF THE GRAND COURT

NOTE - This order requires personal service, and if the copy served bears a copy of the appointment of the date for the examinations, and is indorsed as prescribed by O.45, r.7(4), it may be enforced by committal.

This Order was filed by [name of Judgment Creditor or his Attorney] whose address for service is [state address within the jurisdiction] [Attorney for the Judgment Creditor].

No. 30A

Application for examination of Judgment Debtor (O.48, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20

BETWEEN: PLAINTIFF/JUDGMENT CREDITOR

AND: DEFENDANT/JUDGMENT DEBTOR

APPLICATION FOR EXAMINATION OF JUDGMENT DEBTOR

Application is hereby made to the Clerk of the Court pursuant to GCR O.48 for an order that *[state name]* the Judgment Debtor *[or officer of the Judgment Debtor]* attend before the Court to be examined as to his means.

The grounds of this application are contained in the affidavit of *[state name]* sworn on *[state date]*.

Dated the day of 20__ .
Filed the day of 20__ .

[state name]

This application was filed by *[name of judgment debtor or his attorney]* whose address for service is *[state address within the jurisdiction]*.

No. 31

Garnishee order to show cause (0.49, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name] [in Chambers]

CAUSE NO: OF 20__

BETWEEN:

JUDGMENT CREDITOR

AND:

JUDGMENT DEBTOR
GARNISHEE

GARNISHEE ORDER TO SHOW CAUSE

UPON hearing Counsel for the judgment creditor and the garnishee

AND UPON reading the affidavit of [state deponent's name] filed on the _____ day of _____, 20__ on behalf of the [_____].

IT IS ORDERED that all debts due or accruing due from the above-mentioned garnishee to the above-mentioned judgment debtor [*in the sum of \$[state amount]*] be attached to answer a judgment recovered against the said judgment debtor by the above-named judgment creditor in the Grand Court on the _____ day of _____, 20__ for the sum [*or to answer an order made in the Grand Court on the _____ day of _____, 20__ ordering payment by the said judgment debtor to the above-named judgment creditor of the sum*] of \$[state amount] [*debt and \$[state amount] costs*] (together with the costs of the garnishee proceedings) on which judgment [*or order*] the sum of \$[state amount] remains due and unpaid.

AND IT IS ORDERED that the said garnishee attend before the Judge in Chambers on [*insert date*], at o'clock, on an application by the said judgment creditor that the said garnishee do pay the said judgment creditor the debt due from the said garnishee to the said judgment debtor, or so much thereof as may be sufficient to satisfy the said judgment [*or order*], together with the costs of the garnishee proceedings.

Dated the _____ day of _____ 20__ .

Filed the _____ day of _____ 20__ .

JUDGE OF THE GRAND COURT

TO: The Clerk of the Court

AND TO: The above-named garnishee

AND TO: The Judgment Debtor

This Order was filed by [*name of Judgment Creditor or his Attorney*] whose address for service is [*state address within the jurisdiction*] [*Attorney for the Judgment Creditor*].

No. 32

Garnishee order absolute where garnishee owes more than judgment debt (0.49, rr.1, 4)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name] [in Chambers]

CAUSE NO: OF 20__

BETWEEN:

JUDGMENT CREDITOR

AND:

JUDGMENT DEBTOR
GARNISHEE

GARNISHEE ORDER ABSOLUTE WHERE GARNISHEE
OWES MORE THAN JUDGMENT DEBT

UPON HEARING Counsel for the judgment creditor and the garnishee

AND UPON reading the affidavit of [state deponent's name] filed herein, and the order to show cause made herein dated the day of , 20__ .

IT IS ORDERED that all debts due or accruing due from the above-mentioned garnishee to the above-mentioned judgment debtor [in the sum of \$[state amount]] be attached to answer the judgment recovered against the said Judgment Debtor by the Judgment Creditor on the day of , 20__ for the sum of \$[state amount] (together with the costs of the garnishee proceedings) on which judgment the sum of \$[state amount] remains due and unpaid.

AND IT IS ORDERED that the said Garnishee do forthwith pay to the Judgment Creditor \$[state amount] being so much of the debt due from the said Garnishee to the said Judgment Debtor as is sufficient to satisfy the said judgment debt and costs, together with \$[state amount] being the costs of the garnishee proceedings, and that the said garnishee be at liberty to retain \$[state amount] for his costs of this application out of the balance of the debt due from him to the judgment debtor.

Dated the day of 20__ .

Filed the day of 20__ .

JUDGE OF THE GRAND COURT

TO: The Clerk of the Court

AND TO: The above-named Garnishee

AND TO: The Judgment Debtor

This Order was filed by [name of Judgment Creditor or his Attorney] whose address for service is [state address within the jurisdiction] [Attorney for the Judgment Creditor].

No. 33

Charging order; notice to show cause (0.50, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name]

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

CHARGING ORDER: NOTICE TO SHOW CAUSE

UPON HEARING Counsel for the Plaintiff upon his motion dated [].

AND UPON reading the affidavit of [state deponent's name] filed herein the [date of filing] whereby it appears that by a judgment [or order] made on the day of 20__ the Defendant was ordered to pay to the Plaintiff the sum of \$[state amount], of which \$[state amount] remains due and unpaid and that the Defendant has a beneficial interest in the asset specified in the schedule hereto:

IT IS ORDERED that unless sufficient cause to the contrary be shown at a hearing before the Grand Court on the day of 20__ , at o'clock, the Defendant's interest in the said asset shall, and it is ordered that in the meantime it do, stand charged with the payment of \$[state amount] due on the said Judgment [or order] [and interest thereon at the statutory rate] together with the costs of this application.

Dated the day of 20__ .
Filed the day of 20__ .

JUDGE OF THE GRAND COURT

SCHEDULE

[Describe with full particulars the relevant land, securities, funds or trust, stating, in relation to securities, their full title, the amount of them and the name in which they stand and whether the beneficial interest charged is in the securities only or in dividends or interest as well, and stating, in relation to funds in Court, the number of the account].

[NOTE - In the case of land Form RL9A must be completed, signed by the Judge and filed in the Land Registry.]

This Order was filed by [name of Plaintiff or his Attorney] whose address for service is [state address within the jurisdiction] [Attorney for the Plaintiff].

No. 34

Charging order absolute (0.50, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [*state name*] [*in Chambers*]

CAUSE NO: OF 20__

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

CHARGING ORDER ABSOLUTE

UPON HEARING Counsel for the Plaintiff

AND UPON reading the affidavits of [*state deponent's name(s)*] filed herein the [*date of filing*] and the order to show cause made herein on the day of 20__ :

IT IS ORDERED that the interest of the Defendant [*name of Defendant*] in the asset specified in the schedule hereto stand charged with the payment of \$[*state amount*], the amount due from the Defendant to the Plaintiff on a judgment [*or order*] dated the day of 20__ [*and interest thereon at the statutory rate*] together with \$[*state amount*] the costs of this application, the said costs to be added to the Judgment debt.

Dated the day of 20__ .
Filed the day of 20__ .

JUDGE OF THE GRAND COURT

SCHEDULE

[*Describe with full particulars the relevant land, securities, funds or trust, stating, in relation to securities, their full title, the amount of them and the name in which they stand and whether the beneficial interest charged is in the securities only or in dividends or interest as well, and stating, in relation to funds in Court, the number of the account*].

STOP NOTICE

To [*specify the transfer agent*]

TAKE NOTICE that, in relation to the securities specified in the schedule to this Order, you may not, without notice to [*name of the Plaintiff*] at [*address*] register any transfer, or make any redemption payment, or, in the case of a unit trust, deal with the units, or, where dividends or interest are included in the order, pay any dividend or interest.

This Order was filed by [*name of Plaintiff or his Attorney*] whose address for service is [*state address within the jurisdiction*] [*Attorney for the Plaintiff*].

No. 35

Application for Attachment of Earnings Order (Judgment Debt) (0.50A, r.4)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 20__

BETWEEN

AND

Plaintiff

Defendant(s)

APPLICATION FOR ATTACHMENT OF EARNINGS ORDER

To the Judgment Debtor

--

TAKE NOTICE that an application has been made for an attachment of earnings order to be made against you to enforce payment of the Judgment, details of which are contained in the supporting affidavit, a copy of which is served herewith.

YOU ARE REQUIRED pursuant to GCR Order 50A, rule 5(2) to complete the enclosed Statement of Means form and return it to the Clerk of the Court at the Law Courts, P.O. Box 495, George Town, Grand Cayman within 8 days of receipt of this Application.

AND TAKE NOTICE that if you fail to complete and return the Statement of Means form within the prescribed time limit an order may be made pursuant to GCR Order 50A, rule 8 that you be committed to prison.

Dated the day of , 20__ .

Applicant's Signature

This Application is made by:

--

NOTES FOR GUIDANCE

1. If you dispute the amount owing, you must write a letter to the Clerk of the Court specifying how much you have paid, the dates of such payments and the amount which you believe to be outstanding including interest and costs.
2. When corresponding with the Clerk of the Court you must quote the Cause No. specified on the top right hand corner of this application.
3. The Courts Office at the Law Courts George Town is open between 10:00 a.m. and 4:00 p.m.
4. It is important that the Statement of Means form is completed fully and accurately. Even if you dispute the amount owing, you must still complete the Statement of Means form, failing which you may be sent to prison.
5. If you want to avoid an attachment of earnings order being made against you, you may pay the full amount owing under the Judgment to the Accountant General of the Grand Court at the Court Funds Office, Government Administration Building, George Town. You may pay by means of -
 - (a) cash;
 - (b) banker's draft payable to the Accountant General of the Grand Court; or
 - (c) the Accountant General of the Grand Court may be prepared to accept a personal cheque, but is not obliged to do so.

Unless payment is made in full within 8 days from receipt of this application, you must still complete the Statement of Means form and return it to the Clerk of the Court.

Certificate of Service

I certify that the Application of which this is a true copy was served by me on the Judgment Debtor personally on the ____ day of _____, 20__ at approximately _____ a.m./p.m.

I certify that this Application has not been served for the following reason:

Date the ____ day of _____, 20__ .

[Signature of Bailiff or Process Server]

No. 36

Statement of Means (0.50A, r.5 and 0.52, r.12)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.....OF 20..

BETWEEN

Plaintiff

AND

Defendant(s)

STATEMENT OF MEANS

1. **Personal details**

Name: Age:

Address:

Marital status: Married Single Divorced

2. **Details of children:**

Name	Age

3. **Details of other dependents:**

Name	Relationship

4. **Details of employment:**

Employer's name:

Employer's address:

Your Job Specification:

Amount of Wages: Work Permit No.

5. **If unemployed:**

Reason for unemployment:

Amount of pension (if any):

6. **Details of land owned:**

Registration details:

Registration Section	Block	Parcel
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Estimated value: Amount of Mortgage

7. **Details of savings:**

Name of bank: _____
Account Nos: Balance:

8. **Details of monthly expenses:**

Mortgage instalments:	
Rent:	
Utilities:	
Maintenance Orders:	
Loan instalments:	

I offer to pay the sum of \$ _____ per month.

I declare that the details contained in this statement of means are true and accurate to the best of my knowledge and belief.

Signed: _____ Date: _____

No. 37

Notice to Employer (0.50A, r.6)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.....OF 20..

BETWEEN

Plaintiff

AND

Defendant(s)

NOTICE TO EMPLOYER

To (Employer's Name and Address)

--

YOU ARE REQUIRED within 7 days of receipt of this Notice to send to the Clerk of the Court details of the earnings of the following Judgment Debtor who is believed to be in your employment:

(Name and Address of Employee)

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The details required to be given are explained in the Guidance Notes on the reverse side of this Notice.

AND TAKE NOTICE that failure to comply with this Notice within the prescribed time limit is a crime punishable by means of a fine or a term of imprisonment.

Dated the day of , 20__ .

Filed the day of , 20__ .

JUDGE OF THE GRAND COURT

NOTES FOR GUIDANCE

1. Your reply should be addressed to the Clerk of the Court at the Law Courts, P.O. Box 495, George Town, Grand Cayman.
2. It is important that all correspondence with the Clerk of the Court quotes the Cause No. specified on the top right hand corner of this Notice.
3. You should reply by letter specifying the following:
 - (a) the nature of the debtor's employment;
 - (b) if the debtor's employment is temporary, the anticipated length of employment;
 - (c) if the debtor is paid a salary, the weekly or monthly amount;
 - (d) if the debtor is paid overtime, the average amount of such payments over the preceding 3 months;
 - (e) if the debtor is paid by the hour, the hourly rate(s) and his average earnings over the preceding 6 weeks;
 - (f) particulars of any other benefits to which the debtor is entitled under his contract of employment; and
 - (g) if you have a work permit for the debtor, specify the work number and the date upon which it expires.
4. If the debtor is no longer in your employment, you must reply stating the date upon which he ceased to be so employed. You should give the name and address of his present employer if this information is known to you.
5. Your reply should be signed by the employer personally or by someone duly authorised on the employer's behalf who has personal knowledge of the information required.

No. 38

Attachment of Earnings Order (Judgment Debt) (0.50A, r.10(1))

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name]

CAUSE NO.....OF 20..

BETWEEN

AND

Plaintiff

Defendant(s)

ATTACHMENT OF EARNINGS ORDER

To [*state name and address of employer*]

The Judgment Debtor, [*state name*], who is employed by you is in arrears under a Judgment of this Court and earnings are payable by you to him.

You are therefore ordered to make periodical deductions out of the Judgment Debtor's earnings in accordance with the Second Schedule of The Judicature Law (1995 Revision) until the total sum of \$[*state amount*] (being principal and post-judgment interest), has been paid.

For the purpose of calculating the deductions

- The normal deduction rate is \$ per week/month
- The protected earnings rate is \$ per week/month

And you are ordered to pay the sums deducted to the Court Funds Office, Government Administration Building, George Town, at monthly intervals in accordance with the Directions on the reverse side of this Order.

Dated this day of , 20__ .
Filed this day of , 20__ .

JUDGE OF THE GRAND COURT

DIRECTIONS FOR EMPLOYERS

1. The normal deduction rate is the amount which you must normally deduct from your employee's wages or salary each week or each month, as the case may be.
2. The protected earnings rate is the minimum net pay which must be left to the employee each week or month, as the case may be.
3. If the employee's wages or salary is reduced, for example because the employee has been ill or the employee was unable to work his usual amount of overtime, with the result that the net take home pay would be reduced below the protected earnings rate if the normal deduction is made, you must deduct a lower amount so that the employee always takes home at least the amount of the protected earnings rate.
4. All payments must be made by cheque payable to the "Accountant General of the Grand Court" and must be accompanied by completed lodgment and receipt forms taken from the book of blank pre-printed carbonised forms delivered with this Order. The receipt form will be signed by an authorised officer and returned to you to acknowledge receipt of your payment. Payments may be hand delivered or posted to the Court Funds Office, Government Administration Building, George Town.
5. Deductions made from an employee's remuneration must be recorded in the employer's work account maintained in accordance with Section 30(1) of the Labour Law 1987, as amended, and the receipts issued by the Court Funds Office should be treated as part of the work account to be preserved for at least two years.

NOTES FOR GUIDANCE OF DEBTORS/EMPLOYEES

1. This is a copy of an Attachment of Earnings Order sent to your employer.
2. The installments deductible under this Order include post-judgment interest calculated in accordance with Practice Direction 2/95.
3. Your employer should give you a statement each month specifying the amount which has been deducted from your wages in accordance with this Order. If he fails to do so you have the right under Section 31 of the Labour Law 1987, as amended, to ask for such a statement.
4. If you change your employer you must notify the Clerk of the Court within 7 days giving the following details:
 - (a) the date on which your old employment terminated;
 - (b) the name and address of your new employer;
 - (c) the date on which your new employment commenced;
 - (d) your work permit number (if any); and
 - (e) *the average weekly or monthly amount of your new income including the basic salary, overtime payments, and other monetary benefits.*

No. 40

Notice of Hearing (Reconsideration) (0.50A, r.7)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.....OF 20..

BETWEEN

--

Plaintiff

AND

--

--

Defendant(s)

NOTICE OF HEARING

To the Judgment Debtor

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To the Judgment Creditor

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TAKE NOTICE that the Judgment Debtor's/Creditor's [delete as applicable] application under GCR Order 50A, rule 7(2) for reconsideration of the amount payable under the Attachment of Earnings Order dated _____ will be heard at the law Courts, George Town, Grand Cayman on _____ at _____ a.m/p.m.

AND FURTHER TAKE NOTICE that if the Judgment Creditor does not wish to attend at the hearing of an application made by him, he must write a letter to the Clerk of the Court requesting that the hearing proceed in his absence, and if such letter is received prior to the hearing date specified above, the Court will proceed to deal with the application in the Judgment Creditor's absence.

AND FURTHER TAKE NOTICE that an application for reconsideration by the Judgment Debtor will be dismissed unless he attends at the hearing on the day and at the time specified above. If the Judgment Debtor fails to attend on an application made by the Judgment Creditor, the Court may increase the amount payable under the Attachment of Earnings Order in his absence.

Dated the day of , 20__ .

Clerk of the Court

No. 40

Notice of Hearing (0.50A, r.7)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.....OF 20..

BETWEEN

Plaintiff

AND

Defendant(s)

NOTICE OF HEARING

To the Judgment Debtor

--

To the Judgment Creditor

--

TAKE NOTICE that the Judgment Creditor's application for an Attachment of Earnings Order has been deferred pending an oral hearing.

AND TAKE NOTICE that the application will be heard at the Law Courts' George Town, Grand Cayman on _____ at _____ a.m/p.m.

AND FURTHER TAKE NOTICE that if the Judgment Creditor does not wish to attend at the hearing of an application made by him, he must write a letter to the Clerk of the Court requesting that the hearing proceed in his absence, and if such letter is received prior to the hearing date specified above, the Court will proceed to deal with the application in the Judgment Creditor's absence.

AND FURTHER TAKE NOTICE that if the Judgment Debtor fails to attend at the hearing the Court may make an Attachment of Earnings Order in his absence on the basis of the information obtained in his Statement of Means form.

Dated the day of , 20__ .

Clerk of the Court

APPENDIX C - Forms under the Registered Land Rules (2003 Revision)

Form RL9

Charge

Form RL10

Charge for Magistrate

FORM RL10

**REGISTERED LAND LAW
(1995 Revision)
CHARGE**

REGISTRATION SECTION

BLOCK

PARCEL

I/We

hereby charge my/our interest in the above-mentioned title or the charge shown as entry number in the incumbrances section of the register relating to the above-mentioned title to secure the payment to [] of [] of the principal sum of [] with interest at the rate of [] per cent per annum payable subject to section 67 of the Law, unless here negatived, modified or added to. (*Here set forth any variation, or make reference to any attached document*).

The principal sum shall be repaid on the [] day of [], 20[] together with any interest then due.

And **I/We** the above named Chargor(s) hereby acknowledge that **I/We** understand the effect of section 72 of the Registered Land Law (1995 Revision).

Dated this [] day of [], 20

Signed by the Chargor
In the presence of-

Signed by the Chargee
In the presence of-

CAYMAN ISLANDS
REGISTERED LAND LAW
(1995 Revision)
CHARGE
(GCR O.50, r.1A(2))

REGISTRATION SECTION BLOCK PARCEL

The Registrar of Lands is hereby directed pursuant to an order of the Grand Court made on (*state date*) in Cause No. (*state number*) to register a charge relating to the above-mentioned title to secure payment to (*state name and address of Judgment Creditor*) the principal sum of \$(*state amount*) (including pre-judgment interest and costs) together with post-judgment interest thereon at the daily rate of \$(*state amount*) from (*state date*).

Dated this day of , 20

Judge of the Grand Court

FOR OFFICIAL USE ONLY

I, the Registrar of Lands in the Cayman Islands
Hereby certify that this document was received by
me for registration on the day of
20 and that the Land Registry fees at
CI\$ relating thereto have been paid. This day of , 20

REGISTERED

Registrar of Lands

REGISTRAR OF LANDS