

WRIT OF SUMMONS
(O. 6, r. 1)

DRAWN & PREPARED BY

Heaves

SMITH & SMITH
ATTORNEYS-AT-LAW
'GLADSTONE HOUSE'
PINFOLD STREET, BRIDGETOWN.



IN THE HIGH COURT OF JUSTICE

2003, NO. 2279

CIVIL

DIVISION

BETWEEN

ERIC IAIN STEWART DEANE

PLAINTIFF

AND

MARJORIE KNOX

DEFENDANT

ELIZABETH THE SECOND, by the grace of God, Queen of Barbados:

TO THE DEFENDANT [name] MARJORIE KNOX
BANNANTYNE
of [address] CHRIST CHURCH

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the back.

Within 8 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registry of the Supreme Court, Law Courts, Bridgetown the accompanying ACKNOWLEDGMENT OF SERVICE stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you 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 from the Registry of the Supreme Court this 22nd day of December 2003.

Note:— This Writ may not be served later than 12 calendar months beginning with that date unless renewed by Order of the Court.

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

STATEMENT OF CLAIM

1. The Plaintiff resides at 50 Alexander Street, Toronto Ontario Canada and is not a resident of this Island for the purposes of the Exchange Control Act Cap. 71 of the Laws of Barbados.
2. The Defendant resides at Bannatyne in the parish of Christ Church in this Island.
3. In the Supreme Court Action No. 1805 of 1998 on the 7th day of September 2001 the Honourable Court ordered that the Defendant pay the Plaintiff the costs of the action to be taxed and the costs were taxed and allowed by the Deputy Registrar's Certificate dated the 7th day of May 2002 at the sum of \$378,102.00.
4. The said judgment remains wholly outstanding and unsatisfied and the Plaintiff is entitled to enforce the judgment against the Defendant as a Judgment Creditor.
5. At all material times there were and still are 28,570 ordinary shares standing in the name of the Defendant as legal and beneficial owner on the register of the private company called Kingsland Estates Limited.
6. By Originating Summons filed on the 18th day of October 2002 in Supreme Court Action No. 2240 of 2002 and which was personally served on the Defendant on the 21st day of October 2002 the Plaintiff applied for a Charging Order on the beneficial interest in the said shares owned by the Defendant in favour of the Plaintiff as Judgment Creditor and for an injunction restraining the Defendant as Judgment Debtor by herself her servants or agents or otherwise from selling charging or otherwise disposing of the said shares .

7. By Declaration of Trust dated the 28th day of November 2002 made between the Defendant as Trustee of the one part and Eugene Estwick John Knox and Marie Jane Goddard as Beneficiaries of the other part the Defendant therein declares that she holds the said shares and all dividends and interest accrued or to accrue on same upon trust for the said Beneficiaries and their successors in title and thereby agrees to pay and deal with the said shares and the dividends and interest payable in respect of the said shares in such manner as the Beneficiaries shall from time to time direct.

8. The said Declaration of Trust was executed by the Defendant with the intention of preventing the Plaintiff from charging the beneficial interest in the said shares as Judgment Creditor and thereby to defraud the Plaintiff.

PARTICULARS OF FRAUD

- (a) At all material times the Defendant knew and was aware of the said order made by the Honourable Court on the 7th day of September 2001 whereby it was ordered that the Defendant pay the Plaintiff the costs of the action to be taxed;
- (b) At all material times the Defendant knew and was aware that the costs of the Plaintiff were taxed and allowed by the Deputy Registrar's Certificate dated the 7th day of May 2002 at \$378,102.00.
- (c) The Application by the Plaintiff to charge the said shares held by the Defendant in Kingsland Estates Limited was filed on the 18th day of October 2002 and personally served on the Defendant on the 21st day of October 2002.
- (d) The Deed of Trust made by the Defendant in favour of her children Eugene Estwick John Knox and Marie Jane Goddard was executed by the Defendant on the 28th day of November 2002.

(9) By virtue of section 193 of the Property Act Cap. 236 of the Laws of Barbados the said Declaration of Trust made on the 28th day of November 2002 is voidable at the instance of the person being prejudiced thereby that is to say the Plaintiff as Judgment Creditor.

AND the Plaintiff claims:

- (1) A declaration that the Declaration of Trust made on the 28th day of November 2002 between the Defendant as Trustee of the one part and Eugene Estwick John Knox and Maria Jane Goddard of the other part is void as it was made with the intent to defraud the Plaintiff as a Judgment Creditor;
- (2) An order that the Defendant do deliver up to the Court the said Declaration of Trust for cancellation;
- (3) Costs;
- (4) Such further or other relief as the Court deems fit.

Smith & Smith
SMITH & SMITH
Attorneys-at-Law for the Plaintiff

This Writ of Summons was filed by Messrs. Smith & Smith, Attorneys-at-Law and whose address for service is "Gladstone House" Pinfold Street Bridgetown attorneys-at-law for the Plaintiff whose address for service is "Gladstone House" Pinfold Street in the city of Bridgetown.

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

IN THE HIGH COURT OF JUSTICE

20 **03**

NO. **2279**

CIVIL
BETWEEN

ERIC IAIN STEWART DEANE
AND

MARJORIE KNOX

DIVISION
Received
 PLAINTIFF
Jan 6th, 2004
M.M.
 DEFENDANT

If you intend to instruct an attorney-at-law 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 or his attorney-at-law may have to pay the costs of applying to set it aside.

See Notes 1, 3, 4 and 5.

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

MARJORIE KNOX

2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 YES NO

See direction 3.

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 judgment entered by the plaintiff.
 YES

Service of the Writ is acknowledged accordingly

*Where words appear between square brackets delete if inapplicable.

[Signature]
 *(Signed).....
 [Attorney-at-law] [Agent for] [Defendant in person]

Address for service

**ALAIR SHEPHERD
 ATTORNEY-AT-LAW
 LUCAS STREET
 BRIDGETOWN
 BARBADOS**

Notes as to Address for Service

Attorney-at-law Where the defendant is represented by an attorney-at-law, state the attorney's-at-law place of business in Barbados. If the attorney-at-law is the Agent of another attorney-at-law, state the name and the place of business of the attorney-at-law for whom he is acting.

Defendant in person Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Barbados, he must give an address in Barbados where communications for him should be sent. In the case of a