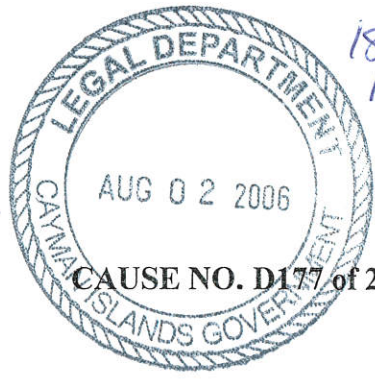


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IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN - *Cud.*

CAUSE NO. D177 of 2005

BETWEEN: MAURICE CONRAD **LAWSON** PETITIONER

AND: ALLISON FAYONA JOBSON LAWSON RESPONDENT

Appearances: Ms. Margetta Facey-Clarke of Facey-Clarke & Associates
for the Petitioner
Ms. Keva Reid of McKinney Reid & Company for the Respondent

Before: Hon. Justice Henderson

Heard: July 18, 2006



RULING

In this matrimonial proceeding, I am asked to settle all of the ancillary issues. This will have to be done in two stages. I will settle certain issues today but others can only be addressed after more information has been obtained.

The parties are agreed that they should share joint custody, and I award that to each of the parties now.

Each party has requested day-to-day control of Mauricea, the child of the marriage. I am satisfied from the evidence I have heard that both Mr. and Mrs. Lawson would be good parents to Mauricea and have been so in the past. Having said that, the evidence satisfies me that Mrs. Lawson has

1 been the primary caregiver to this young girl. That is so notwithstanding that Mr. Lawson has had
2 a substantial involvement in bringing up their daughter.

3
4 Mr. Lawson's concern is very specific.

5
6 Since Mrs. Lawson is a Jamaican national, she is in the Cayman Islands on a permanent residency
7 basis which will likely terminate upon dissolution of the marriage. She intends to apply for a work
8 permit to enable her to continue living and working in the Cayman Islands, but it is uncertain at
9 present whether she will be able to obtain that. If she does not, it seems likely Mrs. Lawson will
10 return to Jamaica and will wish to take Mauricea with her. Mr. Lawson, therefore, quite
11 understandably, fears a loss of contact with his daughter if Mrs. Lawson leaves the island.

12
13 I do not think this question need be addressed with finality today. It is premature. It may be that
14 Mrs. Lawson will obtain a work permit and the right to reside here, in which case Mr. Lawson's
15 concerns will be alleviated.

16
17 I am satisfied that it is in the best interests of Mauricea today that she be in the day-to-day control
18 of her mother, Mrs. Lawson. I award day-to-day control to Mrs. Lawson now.

19
20 I grant to Mr. Lawson an injunction prohibiting the removal of Mauricea from the Cayman Islands
21 without leave of the court or permission in writing from Mr. Lawson. Such permission to be
22 obtained in advance of departure.

23

1 I grant to both parties liberty to apply on the question of day-to-day care and control. If it turns out,
2 unhappily, that Mrs. Lawson must go back to Jamaica, then the whole question of who should have
3 the day-to-day care and control of Mauricea will be addressed again at that point.

4

5 I have been asked to order a Social Inquiry Report. I do not think such a report is necessary at the
6 present time, but it may well become necessary if there is a further hearing caused by Mrs.
7 Lawson's departure from Grand Cayman. Therefore, out of an abundance of caution, I will direct
8 that such a report be prepared now. I say that because I am aware that it will take several months to
9 prepare that report.

10

11 Mr. Lawson is entitled to reasonable and generous access. His counsel has said that he wants a
12 defined access order. I am prepared to sign such an order but the terms of it have not yet been
13 addressed. If the parties are unable to agree on defined access, they have liberty to apply on that
14 subject. Alternatively, I will sign an order now which grants him reasonable and generous access.

15

16 There are two main matrimonial assets.

17

18 A piece of property in Jamaica is in the joint names of the parties. It is said to be worth \$50,000
19 CID, although no evaluation of any kind has been submitted into evidence.

20

21 At the time it was purchased or shortly afterwards, Mr. Lawson agreed that it would be owned
22 jointly by the parties. That amounts to a gift to Mrs. Lawson of one-half the value of this property.

23

1 I order that this matrimonial asset is to be divided equally. If the asset must be sold, then the
2 proceeds are to be divided equally between the parties. I direct that Mrs. Lawson obtain at her
3 expense an evaluation of this property. Given its relatively low value, I do not think it necessary to
4 obtain a formal valuation from a licenced appraiser. It would be satisfactory to have the opinion of
5 an experienced real estate agent practicing that occupation in the relevant geographical area.

6
7 The other main matrimonial asset is the matrimonial home in Savannah. This also is in the joint
8 names of the parties and was acquired after marriage. However, I am satisfied from all of the
9 evidence that Mr. Lawson has made a greater contribution than Mrs. Lawson to the value and
10 upkeep of that asset. I think a fair division of this asset would be 70 percent to Mr. Lawson and 30
11 percent to Mrs. Lawson. I make that order now.

12
13 Again, there is no evidence before me of the value of the asset other than the opinion of Mr.
14 Lawson. He says it is worth about \$180,000 and the current indebtedness on the mortgage is about
15 \$160,000, leaving a small amount of equity. I am directing Mr. Lawson to obtain a valuation of
16 that asset. He also may obtain it from a licenced real estate agent rather than a licenced appraiser in
17 order to save costs.

18
19 I turn to the question of child maintenance.

20
21 Mrs. Lawson claims maintenance for three children. She had two children by a previous
22 relationship. She says they are also children of the marriage, in addition to her daughter with Mr.
23 Lawson, Mauricea. The two other children have been in the care of Mr. Lawson only since July of

1 2005. Prior to that, he made some financial contribution to Mrs. Lawson which may well have
2 been used partly for the upkeep of these two children. Given the short duration during which the
3 children were in the care of Mr. Lawson, I am not satisfied on the balance of probabilities that he
4 stands in *loco parentis* to these children. I do not think they can be properly viewed as children of
5 this marriage. I am, therefore, not prepared to make any order in Mrs. Lawson's favour for
6 maintenance of those two children. I note in passing that there is no evidence before me that Mrs.
7 Lawson has made any concerted attempt to obtain maintenance for them from the biological father.

8
9 Mauricea is admitted to be a child of the marriage. Mr. Lawson will have to pay child
10 maintenance. Mr. Lawson earns roughly \$3,700 per month. He has no other children to support
11 financially at this time. He has, of course, the usual range of expenses, which can be assumed to
12 use up most of his income.

13
14 I consider a fair award of child maintenance in these circumstances (bearing in mind that Mrs.
15 Lawson has an income of something less than \$2,000 per month) to be the sum of \$400 per month.
16 That is around 12 percent of Mr. Lawson's gross income. I award that to Mrs. Lawson now. The
17 payments are to be made on the first day of every month commencing August 1st, 2006.

18
19 Mrs. Lawson has advanced a claim for spousal maintenance. This was a short-term marriage. The
20 parties married in 2003 and began living together in the Cayman Islands in November 2003. Mr.
21 Lawson is 48 years of age. Mrs. Lawson is 31. Each of them is capable of working and does work.

22

1 The disparity in their incomes suggests that there should be an award of spousal maintenance. The
2 shortness of the marriage suggests that the award should be for a relatively brief and limited period
3 of time. I am satisfied that a proper award of spousal maintenance would be the sum of \$400 per
4 month for a period of only six months. I award that to Mrs. Lawson now. The first such payment
5 will be made August 1st, 2006 and the subsequent payments are due on the first day of each month.

6
7 Finally, there is a request in the material for a restraining order. I have not entertained any
8 argument at all on that subject. It is unclear to me whether it is necessary to issue such an order. It
9 is said that the parties have cooperated well in looking after Mauricea since the time of separation.
10 I think this bodes well for the future. I am not prepared to grant a restraining order now. However,
11 the parties are at liberty to apply if they consider that there is still a need for one. I would urge the
12 parties to try to cooperate and communicate, in the best interests of Mauricea.

13
14 Dated this 18th day of July, 2006

15
16 *Henderson, J.*

17 Henderson, J.
18 Judge of the Grand Court

