

IN THE GRAND COURT OF THE CAYMAN ISLANDS

€0544 / 2009

CAUSES NO. ~~92/93~~ and  
~~99 of 2008~~

IN THE MATTER OF THE REGISTERED LAND LAW

AND

IN THE MATTER OF A CLAIM BY THE PLAINTIFF OF AN OVERRIDING  
EQUITABLE INTEREST IN THE PROPERTY LOCATED AT  
REGISTRATION SECTION SAVANNAH BLOCK 27D PARCEL 180

BETWEEN:                   STEPHANIE ROMANO                   PLAINTIFF

AND:                         RANDY WHITTAKER                   DEFENDANT

**ORIGINATING SUMMONS**

LET THE DEFENDANT of c/o Samson & McGrath, Attorneys At Law,  
George Town, Grand Cayman, attend on a Judge of the Grand Court at  
o'clock                   in the fore/afternoon on the hearing of an  
application by the Plaintiff of c/o Brooks & Brooks, Attorneys At Law,  
Two, Artillery Court, George Town, Grand Cayman for the following  
relief:

- (a) A Declaration that she has an overriding equitable interest in the property located at Registration Section: Savannah Block 27D Parcel 180;
- (b) As assessment as to the value of her overriding equitable interest in the said property;
- (c) That she be allowed to purchase the interest of the Defendant in the said property; and
- (d) That upon compliance with paragraph © above, that the title to the said property be transferred in to her sole name.

**NOTICE:** The Plaintiff will rely on her PARTICULARS OF CLAIM filed herein on 23<sup>rd</sup> April, 2009, a copy of which is attached hereto.

**AND LET THE DEFENDANT** within 14 days after service of this Summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office

Dated this 30<sup>th</sup> day of October, 2009

Brooks & Brooks  
**BROOKS & BROOKS**  
**ATTORNEYS AT LAW**  
**FOR THE PLAINTIFF HEREIN**

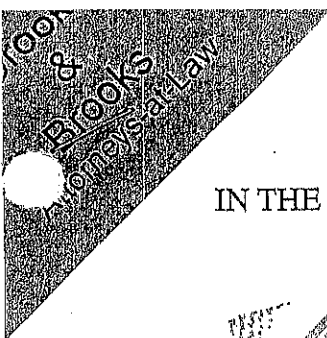
**NOTES:-** (1) This Summons may no be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the above date unless renewed by order of the Court.

(2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgement of Service are given with this accompanying form.

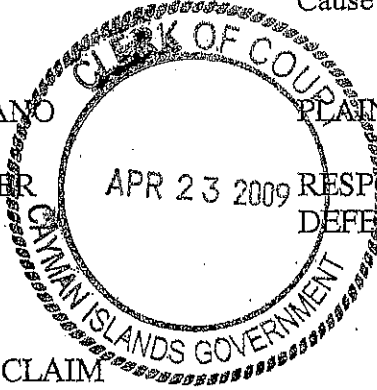
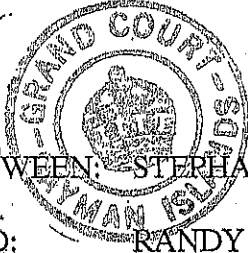
**THIS ORIGINATING SUMMONS** is filed by Brooks & Brooks Attorneys At Law for the Plaintiff herein.



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. G0092 of 2008  
Cause No. G 0093 of 2008  
Cause No. G 0099 of 2008

BETWEEN: STERHANIE ROMANO PLAINTIFF/APPLICANT  
AND: RANDY WHITTAKER RESPONDENT/  
DEFENDANT



PARTICULARS OF CLAIM

- 1 On or about 23<sup>rd</sup> September, 2005 the Plaintiff and the Respondent acquired financing from the Royal Bank of Canada in the form of two loans.
- 2 The first loan was in the amount of CI\$290,880.00 which was the maximum amount that they could qualify for, for the construction of a home on property owned by the Respondent at Registration Section: Savannah Block 27D Parcel 180.
- 3 The history of the acquisition of this property is that it had been acquired by the Respondent prior to the commencement of his relationship with the Plaintiff but that the parties consequently decided to build their "matrimonial" home on the said property.
- 4 The loan referred to in paragraph 2, above was in the joint names of the parties and they were jointly responsible to make the monthly payments.
- 5 In addition to the loan amounts, in order to assist with the construction of the home, the Plaintiff also contributed CI\$125,000.00 from her own funds and the Respondent contributed US\$40,000.00
- 6 The home has always been occupied by the parties and their 3 children, until in or about July, 2007 when the Respondent left the home to reside elsewhere.
- 7 Since in or about July, 2007, the Plaintiff and the children have occupied the said home, to the exclusion of the Respondent.

SAMSON & McGRATH  
 RECEIVED  
 23 April 09  
 S.H.

- 8 The second loan acquired by the parties on or about 23<sup>rd</sup> September, 2005 was in the amount of CI\$72,720.00 which amount was used to reimburse the Respondent for "start up" funds of CI\$30,000.00 which he had used in the business, "Partyland" and the additional CI\$40,000.00 was used by the Respondent.
- 9 The parties during their relationship agreed for convenience that the loan payments in relation to the home should be made by means of a direct debit from the Respondent's salary, as he had a secure income and salary working with the Cayman Islands government in the Customs Department.
- 10 The Plaintiff on the other hand was responsible for all of the household and other bills, for the family, as almost all of the Respondent's salary was being used to make the mortgage payments.
- 11 Since the Respondent left the home, although the Respondent initially was made responsible to pay the mortgage, the Plaintiff has been responsible to pay for the mortgage since in or about 11<sup>th</sup> June, 2008 by Order of the Court.
- 12 At all material time, the intention of the parties was that they would jointly own the said home and that they would reside there together as a family.
- 13 To her detriment, and in reliance on the said implied and/or oral agreement, the Plaintiff has acted to her detriment as she has invested her time, finances and energy into the said home.
- 14 Wherefore the Plaintiff claims:
- (a) a Declaration that she has an equitable interest in the said home.
  - (b) An assessment as to the value of her equitable interest in the said home.
  - (c) That upon compliance with paragraphs (a) and (b) above, she should be allowed to purchase the Respondent's interest in the said home.
  - (d) That upon compliance with paragraph © above, that the title to the said home be transferred in to her sole name.

Dated this 24<sup>th</sup> April, 2009

Brooks Brooks  
BROOKS & BROOKS  
Attorneys for the Plaintiff

THIS PARTICULARS OF CLAIM is filed by Brooks & Brooks

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

**CAUSES NO. 92/93 and 99  
of 2008**

**IN THE MATTER OF THE REGISTERED LAND LAW**

**AND**

**IN THE MATTER OF A CLAIM BY THE PLAINTIFF TO HAVE AN OVERRIDING  
EQUITABLE INTEREST IN THE PROPERTY LOCATED AT REGISTRATION  
SECTION: SAVANNAH BLOCK 27D PARCEL 180**

**BETWEEN:           STEPHANIE ROMANO                           PLAINTIFF**  
**AND;                 RANDY WHITTAKER                                 DEFENDANT**

**ACKNOWLEDGEMENT OF SERVICE  
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney 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 judgement being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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 the proceedings (Tick appropriate box)

Yes

No

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 judgement entered by the Plaintiff( Please tick box)

Yes

No

Service of Originating Summons is acknowledged accordingly

Signed \_\_\_\_\_

Please complete oveleaf

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

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

**Brooks & Brooks  
Attorneys At Law  
P O Box 1355 GT  
GRAND CAYMAN**

**(Two, Artillery Court, George Town, Grand Cayman)**

Indorsement by the defendant's attorney (or by the defendant if suing in person) of his name, address and residence, if any in the box below