

IN THE GRAND COURT OF THE CAYMAN ISLANDS

53
CAUSE NO. OF 2010

 BETWEEN THE PROPRIETORS OF STRATA PLAN 431

PLAINTIFFS

AND VINCENT MITCHELL
JACQUELINE MITCHELL

DEFENDANTS

WRIT OF SUMMONS

TO: Vincent Mitchell &
Jacqueline Mitchell
PO Box 13 Hell
West Bay Road
Grand Cayman,
Cayman Islands



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

Within [14 days] after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this 12th day of January 2010.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

The Plaintiffs' claim is against the Defendants for breach of the Defendants' duty to pay Strata fees.

PARTICULARS

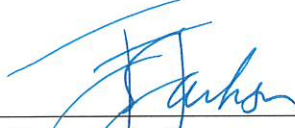
1. The Plaintiffs are the Proprietors of Strata Plan 431 a strata corporation registered pursuant to the provisions of the Strata Titles Registration Law(1996 Revision), also known as Crosdale Gardens. The Defendants are the Proprietors of Unit H3 of the said Crosdale Gardens which Strata Lot is described in the Land Register as Registration Section Prospect, Block 22D, Parcel 291H3.
2. The Plaintiffs have invoiced the Defendants as proprietors of the Strata Lot for Strata fees & interest accrued on such arrears on a monthly basis in accordance with the Strata Bye-laws of Strata Plan 431 Strata Titles Registration Law (1996 Revision).
3. In breach of the Strata Bye-Laws and The Strata Titles Registration Law (1996 Revision) the Defendants have failed to pay all such Strata fees and are in arrears and indebted to the Plaintiffs in the sum of CI\$23,252.7 1 as at 11th January 2010. Strata fees continue to accrue to the Defendants account in the monthly sum of CI\$494.28. plus finance charges.
4. The Plaintiffs claimed the said sum due & payable as a debt to the Plaintiffs pursuant to section 62 (2) of the Strata Titles Registration (1996 Revision).
5. Further the Plaintiffs claims interest at the annual rate of 12% as prescribed by Clause 4 (3(a) of the Strata Bye Laws. Alternatively the Plaintiffs seek interest pursuant to Section 34 of the Judicature Law on all such sums found to be due to the Plaintiffs from the Defendants at a rate of 5% per annum.

AND THE PLAINTIFF CLAIMS:

1. The Plaintiff claims the sum of \$23,252.71
2. Interest under the Strata bye-laws or;

3. Interest pursuant to Section 34 of the Judicature Law
4. Cost

Dated this 12th day of January 2010.



J. Samuel Jackson
Attorney-at-Law for the Plaintiffs

THIS WRIT and STATEMENT OF CLAIM was issued by J. Samuel Jackson, Attorney-at-Law, for and on behalf of the Plaintiffs herein, whose address for service is Suite 25 Grand Pavilion Business Suites West Bay Road that of their said Attorneys-at-Law, Grand Cayman.

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BETWEEN THE PROPRIETORS OF STRATA PLAN 431 PLAINTIFFS

AND VINCENT MITCHELL JACQUELINE MITCHELL DEFENDANTS

ACKNOWLEDGEMENT OF SERVICE OF WRIT OF 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 name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the appropriate box)

yes

no

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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

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 number 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 office.

Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any in the box below:

J. SAMUEL JACKSON
Attorney-at-Law for the Plaintiff
P.O. Box 10638 KY1-1006
George Town, Grand Cayman.

Endorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below: