

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 027 OF 2011

BETWEEN:

THE PROPRIETORS, STRATA PLAN NO. 168

AND

JOYCEANN SEYMOUR



Defendant

WRIT OF SUMMONS

TO: Joyceann Seymour
PO Box 1688
Grand Cayman KY1-1109
CAYMAN ISLANDS

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

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495, Grand Cayman, KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to 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 judgment may be entered against you forthwith without further notice.

Issued this 7th day of April 2011

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

1. The Plaintiff is and was at all material times a Strata Corporation formed pursuant to the *Strata Titles Registration Law (2005 Revision)* and amendments to it and having an address care of it's attorneys-at-law, Appleby, of PO Box 190, 75 Fort Street, Grand Cayman, KY1-1104, Cayman Islands. It is also known as Tropic Breeze.
2. The Defendant is an individual whose postal address is PO Box 1688, Grand Cayman, KY1-1109, Cayman Islands. The Defendant is the proprietor of a strata lot at Tropic Breeze known as Prospect Block 22E Parcel 246H21.
3. The Plaintiff relies on the *Strata Titles Registration Law (2005 Revision)* Sections 2 & 3 (the "**Strata Law**").
4. Pursuant to the Strata Law ("The Law"), the Plaintiff is entitled to assess and collect administrative fees from the proprietors for common expenses and incidental expenses such as insurance, repairs to damaged property and general upkeep of the strata lots and common property.
5. Unpaid assessments accrue interest under the Judicature Law (2007 Revision) and Judgment Debt Rates of Interest Rules as amended from time to time.
6. The Plaintiff did assess common expenses and insurance and rendered invoices of such assessments and insurance as set out in the Schedule hereto to the Defendant from time to time contemporaneous with the assessments.
7. Notwithstanding the rendering of invoices for assessments and insurance, from time to time, and a demand for payment made prior to the commencement of these proceedings, the Defendants have either failed or neglected to pay assessed common expenses and insurance in the amount of CI\$23,062.79, plus interest of CI\$4,881.22, as of 1 March 2011.
8. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS:

- (a) CI\$23,062.79 being the principal sum owing as at 1 March 2011.
- (b) Pre and post-judgment interest calculated from 1 December 2004 in accordance with the *Judicature Law (2007 Revision)* and the Judgment Debt (Rates of Interest) Rules as amended from time to time;
- (c) Costs on an indemnity basis or standard basis in accordance with the Court Costs Rules 2001;
- (d) Such further and other relief as this Court may deem just.



Appleby
Attorneys for the Plaintiff

INDORSEMENT

The principal amount claimed in respect of the debt is CI\$23,062.79, plus interest of CI\$4,881.22 as of 1 March 2011. The amount of the filing fees to commence the proceeding is CI\$200.00 plus ad valorem fees of CI\$130.63. If, within the time for returning the acknowledgement of service, the defendant pays to the plaintiff or its attorneys-at-law the total amount claimed in principal, interest and the costs of issuing the Writ of Summons and Statement of Claim, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

INDORSEMENT REGARDING INTEREST

1. The basis upon which interest is claimed is as set out in paragraph 8(b) above;
2. The prescribed rate of interest is:

1 September 2003 – 30 June 2006 3%
1 July 2006 – 30 November 2008 7¼%
1 December 2008 – 31 October 2010 5%
1 November 2010 – present 2 3/8%;
3. The date from which interest is payable is 1 November 2005;
4. The total interest claimed as at 1 March 2011 is CI\$4,152.27; and
5. The amount of interest accruing due each day is CI\$6.70.

This WRIT OF SUMMONS and STATEMENT OF CLAIM was issued by Appleby, attorneys-at-law for the Plaintiff, whose address for service is PO Box 190, Grand Cayman, KY1-1104, Cayman Islands (HS/317473.0004)

Acknowledgment of service of writ of summons (O.12, r.3)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of each Defendant or by each Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO Box 495 GT, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

*See over for notes for guidance
Please complete overleaf*

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".
4. Where the Defendant is a **FIRM** and an attorney is not instructed, the form must be completed by a **PARTNER** by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual **TRADING IN A NAME OTHER THAN HIS OWN**, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a **LIMITED COMPANY** the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

SCHEDULE TO PARTICULARS OF
CLAIM

10:04 AM
March 25, 2011

Tropic Breeze Apartments - Strata Plan # 168

Statement

As of March 25, 2011
Unit # 22 Seymour, Joyce

<u>Invoice</u>	<u>Date</u>	<u>Num</u>	<u>Due Date</u>	<u>Total</u>	<u>Balance</u>
Unit # 22					
Invoice	12/01/2004	1982	12/01/2004	200.00	200.00
Invoice	01/01/2005	2002	01/01/2005	200.00	400.00
Invoice	02/01/2005	2022	02/01/2005	300.00	700.00
Invoice	03/01/2005	2042	03/01/2005	300.00	1,000.00
Invoice	04/01/2005	2063	04/01/2005	300.00	1,300.00
Invoice	05/01/2005	2085	05/01/2005	300.00	1,600.00
Invoice	06/01/2005	2106	06/01/2005	300.00	1,900.00
Invoice	07/01/2005	2127	07/01/2005	300.00	2,200.00
Invoice	08/01/2005	2147	08/01/2005	300.00	2,500.00
Invoice	09/01/2005	2169	09/01/2005	300.00	2,800.00
Invoice	10/01/2005	2190	10/01/2005	300.00	3,100.00
Invoice	11/01/2005	2210	11/01/2005	300.00	3,400.00
Invoice	12/01/2005	2230	12/01/2005	300.00	3,700.00
Invoice	01/01/2006	2251	01/01/2006	300.00	4,000.00
Invoice	02/01/2006	2271	02/01/2006	300.00	4,300.00
Invoice	03/01/2006	2291	03/01/2006	300.00	4,600.00
Invoice	04/01/2006	2311	04/01/2006	300.00	4,900.00
Invoice	05/01/2006	2332	05/01/2006	300.00	5,200.00
Invoice	06/01/2006	2352	06/01/2006	300.00	5,500.00
Invoice	07/01/2006	2372	07/01/2006	300.00	5,800.00
Invoice	08/01/2006	2392	08/01/2006	300.00	6,100.00
Invoice	09/01/2006	2412	09/01/2006	300.00	6,400.00
Invoice	10/01/2006	2433	10/01/2006	300.00	6,700.00
Invoice	11/01/2006	2453	11/01/2006	300.00	7,000.00
Invoice	12/01/2006	2455	12/01/2006	300.00	7,300.00
Invoice	01/01/2007	2493	01/01/2007	300.00	7,600.00
Invoice	02/01/2007	2513	02/01/2007	300.00	7,900.00
Invoice	03/01/2007	2534	03/01/2007	300.00	8,200.00
Invoice	04/01/2007	2554	04/01/2007	300.00	8,500.00
Invoice	05/01/2007	2574	05/01/2007	300.00	8,800.00
Invoice	06/01/2007	2594	06/01/2007	300.00	9,100.00
Invoice	06/13/2007	2597	06/13/2007	462.79	9,562.79
Invoice	07/01/2007	2618	07/01/2007	300.00	9,862.79
Invoice	08/01/2007	2639	08/01/2007	300.00	10,162.79
Invoice	09/01/2007	2660	09/01/2007	300.00	10,462.79
Invoice	10/01/2007	2681	10/01/2007	300.00	10,762.79
Invoice	11/01/2007	2701	11/01/2007	300.00	11,062.79
Invoice	12/01/2007	2720	12/01/2007	300.00	11,362.79
Invoice	01/01/2008	2740	01/01/2008	300.00	11,662.79

10:04 AM
March 25, 2011

Tropic Breeze Apartments - Strata Plan # 168
Statement
As of March 25, 2011
Unit # 22 Seymour, Joyce

<u>Invoice</u>	<u>Date</u>	<u>Num</u>	<u>Due Date</u>	<u>Total</u>	<u>Balance</u>
Invoice	02/01/2008	2759	02/01/2008	300.00	11,962.79
Invoice	03/01/2008	2780	03/01/2008	300.00	12,262.79
Invoice	04/01/2008	2806L	04/01/2008	300.00	12,562.79
Invoice	05/01/2008	2826L	05/01/2008	300.00	12,862.79
Invoice	06/01/2008	2845	06/01/2008	300.00	13,162.79
Invoice	07/01/2008	2864	07/01/2008	300.00	13,462.79
Invoice	08/01/2008	2887	08/01/2008	300.00	13,762.79
Invoice	09/01/2008	2907	09/01/2008	300.00	14,062.79
Invoice	10/01/2008	2927	10/01/2008	300.00	14,362.79
Invoice	11/01/2008	2948	11/01/2008	300.00	14,662.79
Invoice	12/01/2008	2968	12/01/2008	300.00	14,962.79
Invoice	01/01/2009	2988	01/01/2009	300.00	15,262.79
Invoice	02/01/2009	3010	02/01/2009	300.00	15,562.79
Invoice	03/01/2009	3031	03/01/2009	300.00	15,862.79
Invoice	04/01/2009	3051	04/01/2009	300.00	16,162.79
Invoice	05/01/2009	3071	05/01/2009	300.00	16,462.79
Invoice	06/01/2009	3091	06/01/2009	300.00	16,762.79
Invoice	07/01/2009	3111	07/01/2009	300.00	17,062.79
Invoice	08/01/2009	3148	08/01/2009	300.00	17,362.79
Invoice	09/01/2009	3149	09/01/2009	300.00	17,662.79
Invoice	10/01/2009	3172	10/01/2009	300.00	17,962.79
Invoice	11/01/2009	3192	11/01/2009	300.00	18,262.79
Invoice	12/01/2009	3214	12/01/2009	300.00	18,562.79
Invoice	01/01/2010	3234	01/01/2010	300.00	18,862.79
Invoice	02/01/2010	3254	02/01/2010	300.00	19,162.79
Invoice	03/01/2010	3274	03/01/2010	300.00	19,462.79
Invoice	04/01/2010	3294	04/01/2010	300.00	19,762.79
Invoice	05/01/2010	3314	05/01/2010	300.00	20,062.79
Invoice	06/01/2010	3334	06/01/2010	300.00	20,362.79
Invoice	07/01/2010	3354	07/01/2010	300.00	20,662.79
Invoice	08/01/2010	3374	08/01/2010	300.00	20,962.79
Invoice	09/01/2010	3394	09/01/2010	300.00	21,262.79
Invoice	10/01/2010	3415	10/01/2010	300.00	21,562.79
Invoice	11/01/2010	3435	11/01/2010	300.00	21,862.79
Invoice	12/01/2010	3455	12/01/2010	300.00	22,162.79
Invoice	01/01/2011	3475	01/01/2011	300.00	22,462.79
Invoice	02/01/2011	3495	02/01/2011	300.00	22,762.79
Invoice	03/01/2011	3515	03/01/2011	300.00	23,062.79
Total Unit # 22				23,062.79	23,062.79

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2011

BETWEEN:

THE PROPRIETORS, STRATA PLAN NO. 168

Plaintiff

AND

JOYCEANN SEYMOUR

Defendant

ACKNOWLEDGMENT 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 judgment 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 Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick 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 judgment entered by the Plaintiff (tick box).
 yes no

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 box 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 communication for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

APPLEBY
Attorneys-at-Law
75 Fort Street
PO Box 190
Grand Cayman KY1-1104
CAYMAN ISLANDS

Ref: HS/317473.0004

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

[Empty box for defendant's attorney indorsement]