

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 223 OF 2011

BETWEEN: THE PROPRIETORS OF STRATA PLAN NO. 177
Plaintiff/Applicant

AND: STAFFORD JACKSON
Defendant

WRIT OF SUMMONS

TO: MR. STAFFORD JACKSON
P.O. Box 11974,
Unit # 19, Building # 4
Red Gate Warehouses, Red Gate Road
George Town, Grand Cayman KY1-1101
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, P.O. Box 495G, George Town, Grand Cayman, 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 this day of June 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 Acknowledgment of Service are given with the accompanying form.

GENERAL INDORSEMENT

The Plaintiff is a Strata Corporation (a body corporate) registered in the Cayman Islands and the Defendant is Mr. Stafford Jackson.

The Plaintiff's claim is for damages resulting from the Defendant's refusal to pay strata fees for Unit #19, Red Gate Warehouses, Strata Plan No. 177 legally described as Registration Section George Town East, Block 20B, Parcel 343H19 which have been outstanding since the Defendant took ownership of the said Unit on 22 May 2006 and have accrued interest to date pursuant to the Strata By-Laws;

Further, the Plaintiff claims for non-payment of "Invoice #2010-Roof" for a special assessment conducted on the external portion of the roof for the said Unit and for non-payment of invoices for a debris removal service.

Numerous requests for payment have been made by the Plaintiff. A Letter Before Action was duly delivered via registered mail to the Defendant by the Plaintiff's Attorney on 3 November 2010, to which the Defendant requested and was provided with a breakdown of the accrued interest and sums due. Subsequent follow up letters were sent by the Plaintiff's Attorney to the Defendant on 24 February 2011 and 21 March 2011 to which no responses were received. The Defendant then retained Counsel, who contacted the Plaintiff's Attorney on 26 April 2011, to which the Plaintiff's Attorney responded on 12 May 2011. Further communications ensued between the Plaintiff and Defendant's Attorneys, the last of which being an email sent by the Plaintiff's Attorney to the Defendant's Attorney on 1 June 2011 and the Defendant's Attorney acknowledging the same. The Defendant currently has an outstanding debt of CI\$22,526.76.

AND THE PLAINTIFF claims:

1. The sum of CI\$22,526.76;
2. Interest pursuant to the Strata By-Laws at the rate of 18% per annum from the time of default, which shall accrue from day to day and compound monthly until payment; and
3. Costs.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of **CI\$22,526.76** (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Bodden and Bodden

Bodden & Bodden

Attorneys for the Plaintiff

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 the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, 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 Acknowledgment 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.

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Plaintiff/Applicant

AND: STAFFORD JACKSON
Defendant

**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 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).....
Defendant / Attorney for the Defendant

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 communications 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.

Bodden & Bodden Attorneys at Law
P.O. Box 10335
Grand Pavilion, 802 West Bay Road
George Town
Grand Cayman KY1-1003.
Ref: 1322-001 – LH/srt

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]