

IN THE GRAND COURT OF THE CAYMAN ISLANDS

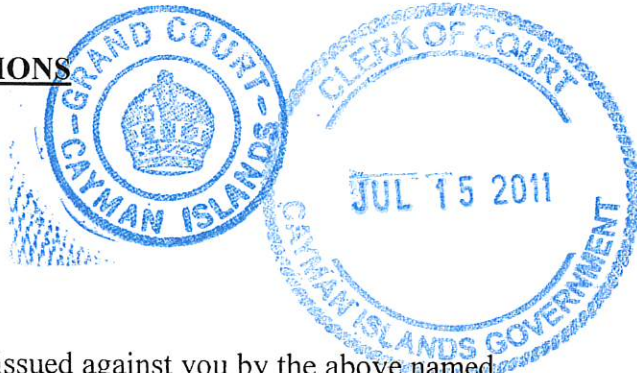
CAUSE NO. 273 OF 2011

BETWEEN: Proprietors Strata Plan No. 179 Plaintiffs  
( " Marina Gardens " )

AND : Maria Nunez Defendant

**WRIT OF SUMMONS**

To: Maria Nunez  
# 327 Marina Drive, Apt 4  
Prospect, Grand Cayman



**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 Courts Office, P.O.Box 495, G.T. Grand Cayman the accompanying Acknowledgment of Service form stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you fail to 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 at George Town this 24<sup>th</sup> day of JUNE, 2011

NOTE: This Writ may not be served later than four(4) calendar months ( or, if leave is required to effect service out of the jurisdiction, six (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.

## STATEMENT OF CLAIM

1. The Plaintiffs are the Proprietors, Strata Plan No. 179, a body corporate established pursuant to the Strata Titles Registration Law in respect of the development known as 327 Marina Gardens, Marina Drive, Prospect ( ' the Development' ) and comprises the proprietors from time to time of the individual Strata Lots that make up the Development ( ' the Corporation' ) . The Defendant is the owner of the Strata Lot known as Unit 4, as comprised under block and parcel number 24E, 246H4.
2. The Defendant has been in substantial arrears in respect of Strata Fees prior to Hurricane Ivan in 2004. However, the Plaintiff's Executive Committee pursuant to its Bye-Laws forgave the pre-Ivan arrears of strata lot owners, including the defendant, and only sought to collect arrears from strata lot owners from January 2006 onwards. The defendant has otherwise failed to make payments towards arrears of Strata Fees, rates, charges, outgoings, garbage and insurance assessments. The Defendant currently owes the Plaintiffs the sum of CI\$8,400.00 in arrears of such Fees for the five year period 1<sup>st</sup> January 2006 to December 31, 2010.
3. In accordance with its By-Laws, the Plaintiff claims interest at the rate of 2% per cent per annum above the Prime Rate of interest prevailing in the Cayman Islands at the time of default, which such interest shall accrue from day to day until payment on all arrears of payments due to the Corporation and unpaid for thirty (30) days after the due date. The defendant has been in default since January 2006.
4. In or around May 2011, the Plaintiffs' attorney wrote to the Defendant formally demanding payments of the arrears of the Strata Fees.
5. Despite demand, the Defendant has failed, refused and/or neglected to pay the amount due in respect of the said Strata Fees arrears.
6. The Plaintiff is therefore entitled to and claims interest on the unpaid Strata Fees arrears.


AND THE PLAINTIFS CLAIM

- a) The sum of C1\$8,400.00
- b) Interest
- c) Costs
- d) Such further and/or other relief as the Court deems appropriate

If within the time returning the Acknowledgement of Service, the Defendant pays the total amount claimed of C1\$8,400.00 as well as interest and costs further proceedings will be stayed. The funds must be paid to the Plaintiff's attorney.

DATED this 24<sup>th</sup> day of June, 2011

FILED this            day of June, 2011.

  
\_\_\_\_\_  
Morris M. Garcia  
Attorney-at-law for the Plaintiffs

To: The Clerk of Courts

AND To: The Defendant, Maria Nunez, c/o Monetary Authority, G.T. Grand Cayman.

This Statement of Claim was filed by Morris M. Garcia, attorney-at-law for the Plaintiff, whose address for service is Suite #2, 2<sup>nd</sup> Floor, Nevlaw Building, 180 Shedden Rd, George Town, Grand Cayman Tel: 345-949-2212



Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

{ 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 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 acting in person) of his name, address and reference, if any, in the space below:

Morris M. Garcia, Suite #2,  
Nevlaw Building,GT  
Grand Cayman, Cayman Islands

Indorsement by Defendant's attorney ( or Defendant if acting in person) of his name, address and reference, if any in the space below:

\_\_\_\_\_

\_\_\_\_\_

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 495, George Town, Grand Cayman.

2. A defendant who states in his Acknowledgement of Service that he intends to contest the proceedings must also serve a defence on the attorney for the plaintiff ( or on the plaintiff acting in person).

If a Statement of Claim is endorsed on the Writ ( ie. 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 a Statement of Claim is not endorsed 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 affidavit of his means. The affidavit should state any offer which the defendant desires to make for the payment of the money by installments 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 a 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.