

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: ⁹⁰²⁹⁴ OF 2013

IN THE MATTER OF THE PARTITION LAW (1997 REVISION)

BETWEEN:

CHRISTOPHER LEBEAU

PLAINTIFF

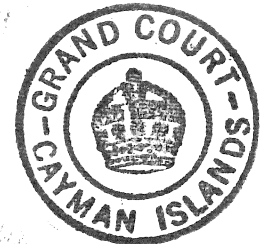
AND:

MELISSA MASCARO

DEFENDANT



ORIGINATING SUMMONS



TO: MELISSA MASCARO
11 Dell Street
East Longmeadow, MA 01028, USA

LET THE DEFENDANT, within 28 days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of CHRISTOPHER LEBEAU, Seven Mile Beach, Grand Cayman, the Plaintiff seeks the following relief of the Court pursuant to the Partition Law (1997) Revision:

1. An Order for the sale and distribution of the proceeds to the plaintiff and the defendant in shares to be determined of the parcel of land known as Seven Mile Beach Block 13D, Parcel 269H41.
2. An Order for costs.

Particulars of Cause of Action

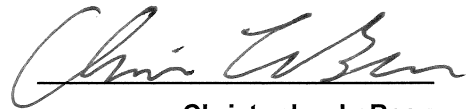
1. The Plaintiff and the Defendant were in a common law relationship.
2. On the 9th July 2007 the Plaintiff and Defendant became joint proprietors of the real estate located at Seven Mile Beach Block 13D, Parcel 269H41 (the "Property").

3. Since the breakdown of the relationship in or around February 2011 the Plaintiff has sought to realize his interest in the Property and sought the consent of the Defendant for the sale and division of the same. A brief list of attempts made to settle the Property is as follows:
- a. 26 July 2011 - Plaintiff presented the Defendant with an itemized list of expenses and payments related to the Property, showing an 80% contribution by the Plaintiff, along with a buyout offer which the Defendant ignored.
 - b. 18 Oct 2011 - Plaintiff emailed buyout offer to the Defendant and was ignored.
 - c. June 2012 – The Defendant refused to rent or sell the Property thereby forcing it to remain vacant. In an effort to avoid expenses the Plaintiff could not afford, he notified the Defendant that he would move in and cover all condo expenses while in the unit. This period lasted until January 2013.
 - d. 26 December 2012 – The Plaintiff emailed a further buyout offer to the Defendant and was ignored.
 - e. 28 December 2012 – The Defendant listed the Property for sale (rent/lease to own) on EcayTrade.com and Valuedmed.com without the Plaintiff's consent.
 - f. 24 January 2013 – The Plaintiff sent letter via his then attorneys, Samson McGrath, attempting to resolve the matter yet the Defendant refused to come to an agreement.
 - g. 7 February 2013 – The Plaintiff sent a letter via his then attorneys, Samson McGrath, requesting the Defendant to agree to a mediation session to which the Defendant did not make herself available or offer an alternative date.
 - h. 15 April 2013 - Plaintiff sent letter via his then attorneys, Samson McGrath, attempting to resolve the matter yet the Defendant refused to come to an agreement. In her response, the Defendant did agree to sell the property and split the equity 50/50 once all current arrears were brought up-to-date.
 - i. 6 May 2012 - Plaintiff, after bringing all mortgage payments current, sent an email attempting to agree terms for the sale of the Property only to receive a reply from the Defendant that she refuses to agree to sell the property until more equity is built up therein.
 - j. 6 August 2013 – The Plaintiff sent a letter to the Defendant notifying her of his intent to petition the court for relief should she not come to an agreement to settle the property. No response has been received from the Defendant as at the date of filing this Originating Summons.

4. The Plaintiff now seeks this Honourable Court's assistance in determining the respective interest of the parties in the Property and making orders as to the sale and division of the sale proceeds.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 23rd day of August 2013



Christopher LeBeau
Plaintiff

NOTE – This Summons 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 unless renewed by order of the court.

IMPORTANT

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

This **Originating Summons** was issued by Christopher LeBeau whose address for service is PO Box 1093, Boundary Hall, Cricket Square, Grand Cayman KY1-1102, Cayman Islands.

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CAUSE NO: OF 2013

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BETWEEN:

CHRISTOPHER LEBEAU

PLAINTIFF

AND:

MELISSA MASCARO

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.

-
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 or otherwise participate in the proceedings (tick appropriate box)

Yes No

Service of the Originating Summons is acknowledged accordingly

(Signed) _____
Attorney for

NOTE 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/she must give his post office box number and the physical address of his/her residence or, if he/she does not reside in the Cayman Islands, he/she must give an address in Grand Cayman where communications for him/her 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/her name, address and reference, if any, in the box below.

Christopher LeBeau
PO Box 1093, Boundary Hall, Cricket
Square, Grand Cayman KY1-1102,
Cayman Islands

Tel: 345-929-8156

Endorsement by Defendant's Attorney (or by Defendant if responding in person) of his/her name, address and reference, if any, in the box below.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF
ORIGINATING SUMMONS**

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, PO Box 495, George Town, Grand Cayman.

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. If you wish to defend the claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner), you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, an Originating Summons served on the Defendant personally is treated as having been served on the day it was delivered to him/her.
4. 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 Originating Summons*)".
5. 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.
6. 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.
7. Where the Defendant is a **LIMITED COMPANY** the form must be completed by an Attorney or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his behalf.
8. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.