

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: 13 OF 2014

BETWEEN: THE PROPRIETORS OF STRATA PLAN 45
(KNOWN AS PLANTATION VILLAGE)

PLAINTIFF

AND: (1) GRETCHEN ALLEN
(2) JULIAN C HARRISON III

DEFENDANTS

WRIT OF SUMMONS

TO: GRETCHEN ALLEN and JULIAN C HARRISON III of Apartment 71, Block F, Plantation Village, Seven Mile Beach, Grand Cayman, 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 31st day of January 2014

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.

STATEMENT OF CLAIM

1. At all material times, the Defendants were (and remain) the registered owners of residential property located at Block 13B 142H70, known as Plantation Village, Block F, Apartment 71 ("the Property"). The Property is occupied by the First Defendant.
2. This property forms part of the Plaintiff Strata Plan ("the Strata") and accordingly at all material times the Defendants were bound by and obliged to comply with the byelaws of the Strata. Pursuant to these byelaws the Defendants were under, *inter alia*, the following obligations:
 - a. Pursuant to bye-law 41(ii) to pay all rates, charges, outgoings and assessments that may be payable in respect of their Strata lot;
 - b. Pursuant to bye-law 41(iii)(a) to pay all contributions to the fund for administrative expenses levied by the Strata Corporation;
 - c. Pursuant to bye-law 41(iii)(b) to pay a proportionate share of the costs and expenses incurred by the Strata Corporation in connection with the performance of its duties;
 - d. Pursuant to byelaw 41(iii)(b)(a) to pay interest calculated at 4% per annum over the prime rate offered by Royal Bank of Canada on all sums more than 14 days overdue.
3. Pursuant to a resolution of the Executive Committee of the Strata passed during 2012, it was further resolved to charge interest calculated at the rate of 18% per annum on all sums owed by proprietors which were more than 90 days overdue.
4. The Strata submitted an itemised statement of account to the Defendants on a monthly basis consolidating the various sums payable in respect of the Property into a single demand for payment. Notwithstanding the presentation of these monthly demands for payment and in breach of their obligations under the said bye-laws, the Defendants failed to make the payments demanded of them by the Strata, and as at 31 December 2013, were indebted to the Plaintiff in the sum of US\$28,576.08, exclusive of interest.
5. Such limited repayments as have been made cancelled out by the accrual of subsequent monthly charges and the account remains significantly in arrears. The history of activity on the account is set out below, all sums being stated in United States dollars:

Period	Opening Balance	Payments Received	Charges	Interest	Closing balance
Q1 2011	(882.77)	1,785.71	8,855.11	0	6,186.63
Q2 2011	6,186.63	6,357.75	4,073.43	0	3,902.91
Q3 2011	3,902.91	0	4,143.95	0	8,046.86
Q4 2011	8,046.86	5,000	3,818.96	0	6,865.82
Q1 2012	6,865.82	0	8,547.98	0	15,413.80
Q2 2012	15,413.80	6,000	4,544.85	693.63	14,652.28
Q3 2012	14,652.28	2,000	4,227.09	569.36	17,475.73
Q4 2012	17,475.73	0	4,002.04	786.41	22,264.18
Q1 2013	22,264.18	3,000	8,624.15	866.89	28,755.22
Q2 2013	28,755.22	3,000	4,317.81	1,158.99	31,232.02
Q3 2013	31,232.02	1,000	4,201.84	1,360.44	35,974.30
Q4 2013	35,794.30	4,187.50	6,262.70	1,349.17	35,360.97
TOTAL	-	34,113.46	65,619.91	6,784.89	-

6. Interest accrues on the sums outstanding at the rate of 4% per annum running from 14 days after the date appearing on the face of each invoice, thereafter 18% per annum from the date 90 days after the date appearing on the face of each invoice. This amounts to US\$6,784.89 to 31 December 2013 and continues to accrue until trial or sooner settlement at the rate of US\$14.09 per day.

AND THE PLAINTIFF CLAIMS:

- a. Payment of the said sum of US\$30,651 and such further;
- b. Interest as aforesaid;
- c. Costs

DATED the 31st day of January 2014

Wah

WALKERS
Attorneys at Law for The Plaintiff

THIS WRIT was issued by Walkers, Attorneys at Law for the Plaintiff, whose address for service is 190 Elgin Avenue, George Town, Grand Cayman, KY1-9001, Cayman Islands.

**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, PO Box 495GT, 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 of 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 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 set 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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(KNOWN AS PLANTATION VILLAGE)**

PLAINTIFF

AND: **(1) GRETCHEN ALLEN
(2) JULIAN C HARRISON III**

DEFENDANTS

**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 appropriate box)

yes no

Service of the Writ is acknowledged accordingly

(Signed) _____

Attorney For

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 be Plaintiff if suing in person) of his name, address and reference, if any in the box below.

Walkers
190 Elgin Avenue
George Town, Grand Cayman

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]