

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO. G-0077 OF 2014

BETWEEN:

THE PROPRIETORS OF STRATA PLAN 12

PLAINTIFF

v.

VENILTON STABILE



DEFENDANT

WRIT OF SUMMONS



By order of the Court dated
14 May 2015
This Writ is extended until the
23 July 2015

TO: The Defendant
Rua Benjamin Constant 92/301
Rio De Janeiro
Cep 20241-150
Brazil

[Signature]
Clerk of the Court
The seal of the Grand Court of the Cayman Islands, identical to the one above.

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 the Court Office, P.O. Box 495 Grand Cayman KY1-1106, Cayman Islands, 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 22nd day of May 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a strata corporation registered as strata plan 12 and known as "Villas of the Galleon", on West Bay Road, Grand Cayman.
2. The Defendant is the proprietor of a strata lot known as Unit 66 at Villas of the Galleon.
3. The Defendant is required to make monthly contributions ("the Strata Fees") to a fund established by the Plaintiff for payment of the Plaintiff's administrative expenses.
4. The Plaintiff has dealt with payment of Strata fees by communicating with Mario and Lyse Moreira of 409 Apt 1001, Copacabana, Rio De Janeiro, Brazil.
5. Since November 2007 the Defendant has been sent monthly bills for his Strata Fees via email to Mario and Lyse Moreira but has failed to pay them in full.
6. A demand email was sent to the Defendant via Mario and Lyse Moreira on 31st December 2012. The Defendant has failed to make any payment.
7. By a resolution dated 7th February 2013, the Plaintiff deemed the sum of CI\$48,801.67 as being due and payable as a debt to the Plaintiff, pursuant to Section 6(2) of the Strata Titles Registration Law (2005 Revisions) ("the Resolution").
8. Since that time, due to the continuing obligation for the Plaintiff to pay Strata Fees, the debt has continued to increase each and every month.
9. As at 22nd May 2014 the sum due is CI\$61,673.01.

10. Further the Plaintiff seeks interest pursuant to section 34 of the Judicature Law (2013 Revision) on all such sums found to be due to the Plaintiff from the Defendant at the prescribed rate of 2.375% per annum, to be calculated from the date of issue herein until Judgment or payment in full. Interest due will accrue upon the sum of CI\$61,673.01 at a daily rate of CI\$4.01 per day.

AND THE PLAINTIFF CLAIMS:

- (1) The sum of CI\$61,673.01.
- (2) Interest on the said sum pursuant to section 34 of the Judicature Law (as Amended); and
- (3) Costs to be assessed.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$61,673.01 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

DATED THIS 22nd day of May 2014



PRIESTLEYS

This Writ of Summons is issued by Priestleys Attorneys-at-Law for the Plaintiff herein whose address for service is Units 11 & 12 Galleria Plaza, 638 West Bay Road, P.O. Box 30310. Grand Cayman. KY1-1202

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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.

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 if acting in person).

If a Statement of Claim is endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

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 fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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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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 []

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 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.

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

PRIESTLEYS
ATTORNEYS-AT-LAW
UNITS 11 & 12, GALLERIA PLAZA
638 West Bay Road
PO BOX 30310
GEORGE TOWN, GRAND CAYMAN
CAYMAN ISLANDS, KY1-1202

Endorsement 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 endorsement]