

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 60162 OF 2014

BETWEEN: THE PROPRIETORS OF STRATA PLAN 170 PLAINTIFF

AND: LLOYD HORATIO MCBEAN FIRST DEFENDANT

AND: TERESA MARIA MCBEAN SECOND DEFENDANT

WRIT OF SUMMONS

TO: Lloyd & Teresa McBean
512 Waterways
Seven Mile Beach
Grand Cayman

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 495, George Town, Grand Cayman KY1-1106, 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 23rd day of July 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.

This **WRIT OF SUMMONS AND STATEMENT OF CLAIM** is issued by Campbells, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14650-22345).

STATEMENT OF CLAIM

1. At all material times, the Plaintiff is and was a strata corporation established under the Cayman Islands Strata Titles Registration Law (2005 Revision) ("the Law") in respect of the condominium development known as Waterways.
2. The Defendants, at all material times, are and were the registered owners of one of the Strata lots at Waterways, being Registration Section West Bay Beach North Block 17A, Parcel 262/1/2H25 known as Unit 512 Waterways ("the Property").
3. The control, management, administration, use and enjoyment of the Strata lots and the common property contained in the registered strata plan of the Plaintiff is regulated by its Strata By-laws ("the By-laws").
4. Pursuant to By-Law 5(3), it is the Defendants' obligation to pay to the Plaintiff all contributions to the fund for administrative expenses levied by the Plaintiff and his due proportion of all other costs and expenses incurred by the Plaintiff in connection with the performance of its duties under the Law and the By-laws within 14 days of demand.
5. The Plaintiff levies such contributions by way of monthly invoices sent to the Defendants stating the payment due for that month which are payable in arrears.
6. Despite repeated demand by the Plaintiff, the Defendants have failed, refused and/or neglected to make payment of any, or all, of the contributions so levied by the Plaintiff.
7. As at 9 July 2014, pursuant to By-law 5(3), the Defendant was indebted to the Plaintiff in the sum of US\$22,421.43, including interest at the rate of 4% per annum over the thirty (30) day London Inter Bank Offer Rate for United States Dollars at the time of default and re-ascertained on a monthly basis quoted by the banks of the Plaintiff, with a minimum of twelve per cent (12%) per annum, accruing on a daily basis with monthly rests, on all payments due to the Plaintiff and unpaid for fourteen (14) days after the due date in accordance with By-Law 5(38).

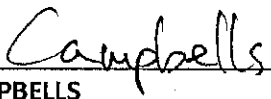
THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by Campbells, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4th Floor, Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14650-22345).

8. By reason of the Defendants' breach of the By-laws due to their failure to pay all contributions demanded (as set out above), the Plaintiff has suffered loss and damage.
9. Further, the Plaintiff's entitlement to payment continues to accrue on a monthly basis and, if payment is not made in accordance with the By-laws, the Plaintiff will add the accrued amounts to the sum claimed herein.
10. Further, the Plaintiff seeks and is entitled to interest calculated in accordance with the By-laws continuing at the monthly rate of 4% per annum over the thirty (30) day London Inter Bank Offer Rate for United States Dollars at the time of default and re-ascertained on a monthly basis quoted by the banks of the Plaintiff, with a minimum of twelve per cent (12%) per annum, accruing on a daily basis with monthly rests, on all payments due to the Plaintiff and unpaid for fourteen (14) days after the due date which such interest will accrue monthly until judgment or sooner payment, alternatively pursuant to section 34(1) of the Judicature Law (2013 Revision) alternatively, from and to such dates, and in such amounts, and at such rates, as this honourable court thinks just.

AND THE PLAINTIFF CLAIMS:

- 1) Judgment against the Defendant in the sum of US\$22,421.43;
- 2) Interest as aforesaid;
- 3) Such further and/or other relief as this Honourable Court deems appropriate.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of US\$22,421.43 plus interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.



CAMPBELLS
23 July 2014

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by Campbells, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4th Floor, Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14650-22345).

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.

**Campbells
4th Floor Willow House
PO Box 884
George Town
Grand Cayman KY1-1103
(Ref: JRM/14650-22345**

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