



## STATEMENT OF CLAIM

1. The Plaintiff who was born on 20<sup>th</sup> July 1988 is now 26 years old is a beneficiary under the Last Will and Testament ("the Will") of Roy William Dell, deceased.
2. Mr. Roy William Dell, deceased was the father of the Plaintiff.
3. The Defendant is the named Executor in the Will.
4. Mr. Roy William Dell, deceased died on 3<sup>rd</sup> September 2011.
5. On 23<sup>rd</sup> November 2011 a Grant of Probate was issued to the Defendant appointing the Defendant as the Personal Representative of the Estate of Mr. Roy William Dell, deceased.
6. Mr. Roy William Dell, deceased owned  $\frac{1}{2}$  share in property registered on the Cayman Islands land register as Registration Section George Town South Block 14E Parcel 396 ("The Property")
7. In accordance with the Will, the Property:
  - a. Should remain as a family dwelling house and not be sold;
  - b. The rent collected should be shared equally with the deceased three young children namely Serena Ann Maria Dell, Vaugh Newton Dell and Roy William Dell as they continue their education;
  - c. The deceased preferred that the property remains rented and the rent be utilized for the upkeep and stability of the children until they reached the age of 35 years old.
8. Since Probate was granted to the Defendant on 23<sup>rd</sup> November 2011, the Plaintiff has not received any benefit from the rental income pursuant to the Will.

9. The Plaintiff was attending the International College of the Cayman Islands but had to prematurely stop as she could not get money from the Personal Representative to continue despite her several requests.
10. The Personal Representative now resides in Jamaica and manages her own businesses there.
11. The Personal Representative has one of her sisters, Joan Elaine Ebanks collecting the rental income from the Property.
12. The Personal Representative transferred the  $\frac{1}{2}$  share of the Property which was registered in the name of Mr. William Roy Dell, deceased to her name in her personal capacity.
13. The Defendant has listed the Property with Heritage Group Realty for sale with asking price of CI\$420,000.00. It is also advertised as "Roy's Apartments" a 1 bed (13) units with Gross Annual Income of CI\$78,000.00.
14. The Plaintiff and the two other beneficiaries under the Will have secured a Caution on the Property on 16<sup>th</sup> July 2014.
15. The Plaintiff is Legal Aid but will have to repay all her incurred legal cost back to the Legal Aid Department through a payment plan from any benefits she receives from the Estate.

AND THE PLAINTIFFS claims:

1. The Defendant provides account statement including but not limited to all rental income of the Estate of Roy William Dell from 3<sup>rd</sup> September 2011 to the date of this Writ;
2. The Defendant to immediately reinstate the  $\frac{1}{2}$  share of the Property which was registered in the name of Mr. William Roy Dell, deceased the Property to Mr. Roy William Dell;
3. The Defendant to immediately remove or cause the remove the Property for sale from the Listing with Heritage Group Realty and not to relist the Property with any other Realtor for sale.

4. The Defendant to be removed immediately as the Personal Representative of the Estate of Roy William Dell and be replaced with Mrs. Valery Hurlstone.
5. Costs
6. Further or other relief as the Court deems fit.

If within the time for returning the Acknowledgment of Service, the Defendant undertakes to consent to the claims from claim 1 to claim 4, further proceedings will be stayed.

*S. Dell*

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Serena Dell- Grant  
Plaintiff

*Sonia Bush & Assoc.*

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Sonia Bush & Associates Law Firm  
Attorneys for the Plaintiff

**This Writ** is filed by Sonia Bush & Associates, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service and correspondence is Grand Pavilion Commercial Center, 802 West Bay Road, P.O. Box 11139, Grand Cayman, KY1-1008 Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICES  
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 "Statements of Claim" appear on the top of page 2) the Defence must be served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgement is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 28 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 judgement 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 is 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 28 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 (.....)" 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
PROBATE DIVISION

CAUSE NO. *G0205* OF 2014  
LEGAL AID #192 OF 2014

IN THE MATTER OF THE ESTATE OF ROY WILLIAM DELL, DECEASED.

BETWEEN: SERENA DELL-GRANT Plaintiff

AND: VIOLET DELORES DELL 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 Delay may result in judgment being entered  
directions and notes for guidance carefully against a Defendant whereby he may have  
before completing this form. If any to pay the costs of applying to set it aside.  
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 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

Service of this Writ is acknowledged accordingly

(Signed) \_\_\_\_\_  
Defendant/Attorney for the Defendant

**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 communication 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.

Sonia Bush & Associates Law Firm  
Attorneys-at-Law  
Grand Pavilion Commercial Center,  
802 West Bay Road,  
P.O. Box 11139  
Grand Cayman, KY1-1008  
Cayman Islands.

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
PROBATE AND ADMINISTRATION

CAUSE NO. 89 of 2011  
PROBATE AND ADMINISTRATION NO. 89 OF 2011

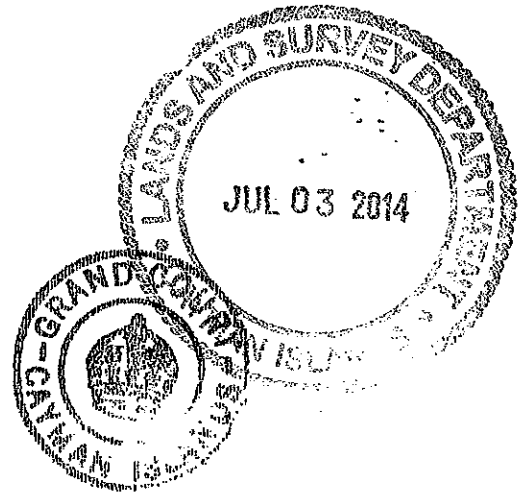
IN THE ESTATE OF ROY WILLIAM DELL, DECEASED

GRANT OF PROBATE

BE IT KNOWN that on the 31st day of October, 2011 the last will and testament a true copy hereof is hereunto annexed of ROY WILLIAM DELL late of 26 William Drive, Windsor Park, George Town, Grand Cayman, Cayman Islands who died on or about the 3rd day of September, 2011 was proven and registered in the said court and that administration of all the estate which by law devolves and vests in the personal representatives of the said deceased was granted by the aforesaid court to Violet Delores Dell the Executor named in the will, she having been first sworn well and faithfully to administer the same, by paying the just debts of the deceased and the legacies contained in his will and to exhibit a true and perfect inventory of all singular the said estate and effects, of the said deceased, and to render a just and true account thereof whenever required by law so to do.

Dated this <sup>nd</sup> 23 day of November, 2011.

T. Philander  
Clerk of the Court



19 - January - 2012



**CAYMAN ISLANDS  
LAND REGISTER**

**CERTIFIED TRUE COPY**

Edition 6  
Opened 29 JUL 2010

Registrar of Lands

L/C returned & filed 01/05/81.

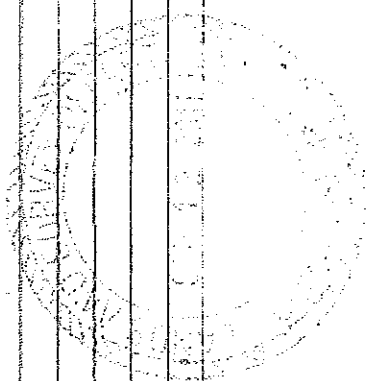
**-CROWN-PRIVATE**

**APPURTENANCES**

<p>Nature of title <b>ABSOLUTE-PROVISIONAL</b></p> <p>Origin of title FIRST REGISTRATION MUTATION No M 776</p>	<p>A vehicular Right of Way as indicated on the Registry Map. (M 776) CO</p> <p>A vehicular Right of Way over parcel 14E 383 (4688/77) CO</p>	<p>No. 14E 396</p> <p>Registration Section GEORGE TOWN SOUTH Block and Parcel No. 14E 396</p> <p>Name of Parcel</p> <p>Approx. area 0.23 Acre</p>
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**B - PROPRIETORSHIP SECTION**

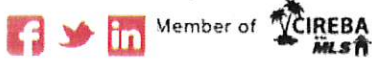
ENTRY No.	DATE	INSTRUMENT No.	NAME AND ADDRESS OF PROPRIETORS	SIGNATURE OF REGISTRAR
5	15/04/10	4017/10	EVERITT DELL, George Town, Grand Cayman.	J C Powell
7	21/07/10	8367/10	ROY DELL, P.O. Box 2713, Grand Cayman KY1-1111, Cayman Islands. 1/2 share	Andra Singh







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Location

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Price

Any Any

Type

Any Any

Beds

Any Any

Baths

Any Any

MLS#

MLS#

Search

# Roy's Apartments

Property price:

CI\$ 420,000

- MLS# 403008
- grand-cayman, George Town
- Multi-Family, Residential
- 0 bathrooms
- 0 bedrooms
- 7500 ft<sup>2</sup>

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Property features:

- 0 bathrooms
- 0 bedrooms

Presented by:

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44 listings

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- » A/C: Split
- » Construction: Block
- » TV: Cable
- » Tennis: No
- » Washer/Dryer: Yes
- » Gross Annual Income: \$78000 CI



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**Property location:**

**Property price:**

CIS 420,000

**Property features:**

- 0 bathrooms
- 0 bedrooms

**Presented by:**

[Maria Alberga](#)

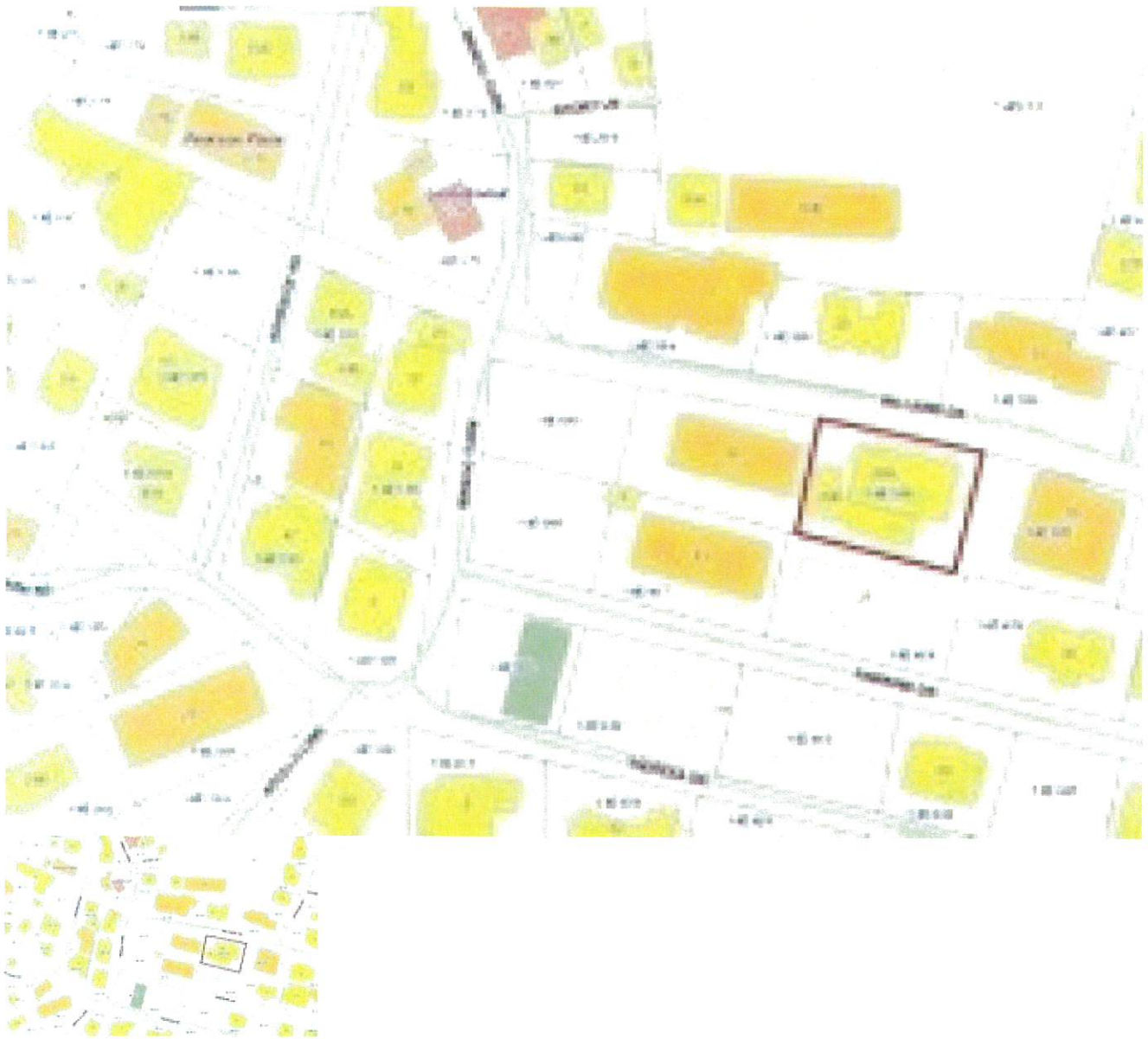
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**Property description:**

Description	Specs	Directions
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- » District:George Town
- » Acreage:0.23
- » Configuration: 1 BED (13)
- » Stories Building: 1
- » Furnished: Yes
- » Pool: No
- » City Water: Yes

