

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G0229*



BETWEEN: EXECUTIVE COMMITTEE OF CONDOMINIUM STRATA PLAN 8

AND: JAMES BRADFORD HANKINS

AND: DOUGLAS RIAN HANKINS

AND: PHYLLIS S. HANKINS (DECEASED)

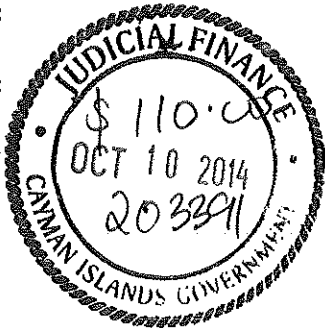
PLAINTIFF

OCT 10 2014

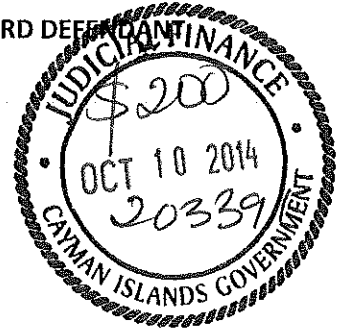
FIRST DEFENDANT

SECOND DEFENDANT

THIRD DEFENDANT



WRIT OF SUMMONS



TO: Jason & Douglas Hankins  
PO Box 4522  
Victoria  
Texas 77903  
USA

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 105<sup>th</sup> day of October 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/14726-22573).

## 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"), being the condominium development known as Caribbean Paradise.
2. The Defendants, at all material times, are and were the registered owners of one of the Strata lots at Caribbean Paradise, being Registration South Sound, Block 15D, Parcel 63H12 known as Unit 12 Caribbean Paradise ("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 38(b)(1), it is the Defendants' obligation to pay to the Plaintiff all contributions levied by the Plaintiff to the Defendants and its 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 demands by the Plaintiff, the Defendants have failed, refused and/or neglected to make payment of any, or all, of the outstanding debt.
7. As at 9 September 2014 the Defendants were justly and truly indebted to the Plaintiff in the sum of **CI\$21,000.50**, including interest due under By-law 38(b)(A), calculated at the rate of 4% per annum above the Prime Rate prevailing at Cayman National Bank, George Town, Grand Cayman ("the Statement").
8. By reason of the Defendants' breach of the By-laws by reason of his failure to pay all contributions demanded (as set out above), the Plaintiff has suffered loss and damage.

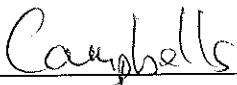
**THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM** is issued by Campbells, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4<sup>th</sup> Floor, Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14726-22573).

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 rate of 4% per annum until judgment or sooner payment, alternatively by reference 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.
11. Further, the Plaintiff seeks and is entitled to its costs of these proceedings on a full indemnity basis, pursuant to By-law 38(b)(B).

**AND THE PLAINTIFF CLAIMS:**

- 1) Judgment against the Defendants in the sum of **CI\$21,000.50**;
- 2) Interest pursuant to By-law 38(b)(A) 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;
- 3) Indemnity costs pursuant to By-law 38(b)(B); and
- 4) 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 CI\$21,000.50 plus interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.

  
\_\_\_\_\_  
**CAMPBELLS**  
10 October 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 4<sup>th</sup> Floor, Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14726-22573).

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2014

BETWEEN: EXECUTIVE COMMITTEE OF CONDOMINIUM STRATA PLAN 8 PLAINTIFF

AND: JAMES BRADFORD HANKINS FIRST DEFENDANT

AND: DOUGLAS RIAN HANKINS SECOND DEFENDANT

AND: PHYLLIS S. HANKINS (DECEASED) THIRD 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

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

Campbells  
4<sup>th</sup> Floor Willow House  
PO Box 884  
George Town  
Grand Cayman KY1-1103  
(Ref: JRM/14726-22573)

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]

## 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.