

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

IN THE MATTER OF THE PARTITION LAW (1997 REVISION)

CAUSE NO: 83 OF 2015
LACV 250/2014

BETWEEN

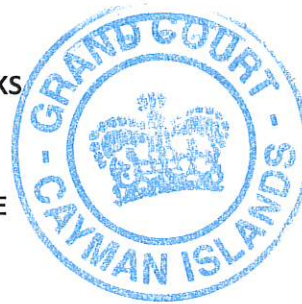
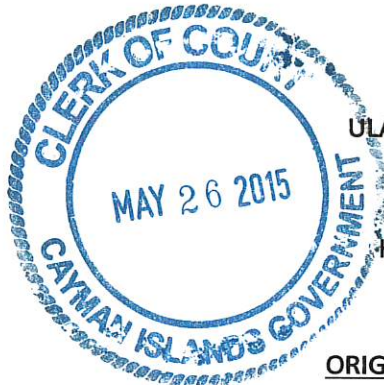
ULA MERCILDA EBANKS

Plaintiff

AND

HOZMAN MCKINZIE

Defendant



ORIGINATING SUMMONS

TO: HOZMAN MCKINZIE of 43 Chevy Street, Mountpleasant, West Bay Road, Grand Cayman.

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of Ula Mercilda Ebanks, c/o Samson & McGrath, George Town, Grand Cayman, the Plaintiff seeks the following relief of the Court pursuant to the Partition Law (1997) Revision:

- i. An Order for the sale and distribution of the proceeds to the plaintiff and the defendant in shares to be determined of the following parcel of land: of 43 Chevy Street, Mountpleasant, West Bay North East, Block and Parcel No. 9A 482.
- ii. OR An Order for distribution of the proceeds to the Plaintiff and the Defendant in equal ½ shares.
- iii. An Order for costs.

Particulars of Cause of Action

1. In or around 2002, the parties purchased Block and Parcel No. 9A 482 (the "Property") as proprietors-in-common.
2. The parties purchased the property for CI\$23,000. Thereafter, the parties renovated the property at a cost of in or around CI \$40-60,000.

3. The parties have five children, namely, Hozman McKenzie Jr (D.O.B 28 October 1997), Kamisha McKenzie (D.O.B. 24 April 1999), Kaitlyn McKenzie (D.O.B. 4 February 2001), Hashaun McKenzie (D.O.B. 4 February 2005) and Kiarah McKenzie (D.O.B. 15 December 2005).
4. The parties' relationship came to an end in or around 2012. The Plaintiff obtained an order for maintenance in the sum of CI\$50 per child per week (total CI\$250 per week) on the 16 May 2014. The Defendant has not paid any maintenance and is in arrears totaling
5. The Plaintiff has sought to realize her interest in the Property and sought the consent of the Defendant for the sale and division of the same.
6. The Defendant refuses to allow the parcel of land to be sold and all attempts to resolve the matter have not been successful.
7. The Plaintiff now seeks the Court's assistance in determining the respective interest of the parties in the Property and in making orders as to the sale and division of the proceeds.
8. If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 25th day of May 2015

Samson & McGrath
Samson and McGrath
Attorneys-at-Law for the Plaintiff

NOTE - This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by Samson and McGrath, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is 5th Floor, Genesis Building, George Town, Grand Cayman, PO Box 446 G.T.

Acknowledgement of service of originating summons (0.10, r.5)

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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 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.

Samson & McGrath
5th Floor Genesis Building
P.O. Box 446
Grand Cayman KY1 – 1106
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.

