

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: G0232 OF 2015

IN THE MATTER OF: THE STAMP DUTY LAW (2013 REVISION)

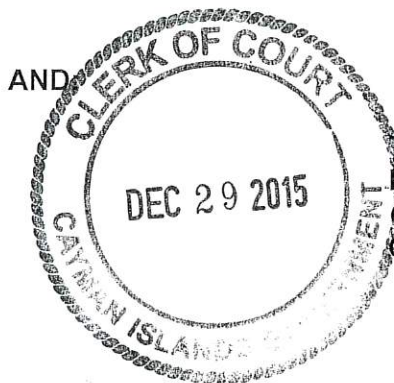
AND IN THE MATTER OF: THE APPEAL AGAINST AN ADJUDICATION OF THE COMMISSIONER FOR THE COLLECTION OF STAMP DUTY GIVEN ON 17 NOVEMBER 2015

BETWEEN:

PEGGY JOSIE BASDEO

APPELLANT

AND



THE HON. MINISTER OF FINANCE & ECONOMIC DEVELOPMENT, AS EX OFFICIO COMMISSIONER FOR THE COLLECTION OF STAMP DUTY

RESPONDENT



NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on the _____ day of _____ 20__ at _____ am/pm or as soon thereafter as counsel can be heard, by counsel on behalf of Peggy Josie Basdeo (the "Appellant") for the following relief, namely:

1. For a declaration that the Appellant is only liable to pay stamp duty on the consideration chargeable on the instrument effecting the transfer of the raw land situated at Block 15E, Parcel 122H7, dated 28 September 2015, between the Appellant and Turnkey Development Ltd. (the "Instrument").
2. For an order that the stamp duty on the Instrument be charged, pursuant to section 3(1) of the Stamp Duty Law (2013 Revision) (the "Law"), at a lower rate of 2%, being \$2,300.00.

AND for an order that, pursuant to Section 13(1)(b) of the Law, the costs of and incidental to this appeal be paid out of the revenue by the Commissioner for the Collection of Stamp Duty ("**Commissioner**") to the Appellant.

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

3. The Commissioner erred in law in:

(a) Holding, as appears from paragraph 2 of the Letter of Adjudication dated 27 November 2015, that *"in accordance with item 10(b)(ii) under the heading 'Conveyance or Transfer' in the Schedule to the Stamp Duty Law (2013 Revision), approval is hereby granted for a 2% stamp duty rate on a value of CI\$120,000 (land only) on the transfer of Block 15E, Parcel 122"* (the "**Adjudication**").

(b) Failing to correctly apply the relevant section of the Law which provides that *"where land... is transferred to a Caymanian for the purpose of his first owner-occupied home – (b) duty at the rate of 2% of the consideration is chargeable on the instrument if – (ii) in the case of land without a building, the consideration exceeds \$100,000 but does not exceed \$150,000"*, such that the Adjudication erroneously and unlawfully:

(i) calculated the reduction in stamp duty based on the Market Value, being CI\$120,000 as of 4 November 2015, of the subject parcel, Block 15E, Parcel 122H7, as valued by DDL Studio, rather than the consideration paid on the Instrument, being CI\$115,000; and

(ii) levied stamp duty on the Instrument at a rate higher than that prescribed by the Law, namely at 2.09%.

4. In the premises, the Adjudication was erroneous, being irregular and not based upon the consideration chargeable on the Instrument, pursuant to section 3(1) of the Law.

5. The Adjudication was expressed to be final and binding, pursuant to section 9 of the Law.

This Application is made under the Stamp Duty (Appeal) Rules.

DATED the 29th day of December, 2015.



Peggy Josie Basdeo
Appellant

TO: The Hon. Minister of Finance & Economic Development, as *ex officio*
Commissioner for the Collection of Stamp Duties

AND TO: Director of Lands & Survey

AND TO: The Hon. Attorney General

This **NOTICE OF ORIGINATING MOTION** was issued by the Appellant, whose address for service is Apt 23, St Tropez, South Sound, George Town, Grand Cayman.