

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

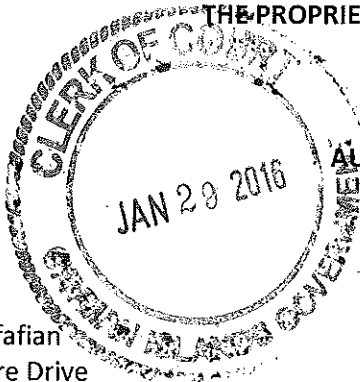
CAUSE NO. SC0024 OF 2016

BETWEEN:

THE PROPRIETORS, STRATA PLAN No. 44

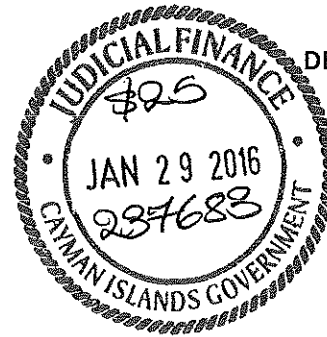
PLAINTIFF

AND:



AUDREY KAFAFIAN

PLAINT



DEFENDANT



TO:

Audrey Kafafian
19 Yorkshire Drive
Hackettstown
NJ 07840
USA

THIS PLAINT 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 service of this **Plaint** 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, the accompanying *Acknowledgment of Service* form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the *Acknowledgment of Service* form.

IF YOU FAIL to satisfy the claim or fail to return the *Acknowledgment of Service* form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this of January, 2016

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Defendant is the registered proprietor of a property situated at Registration Section West Bay North East, Block 8A Parcel 100H14, known as Unit 29, Villas Papagallo ("the Property") with Strata Plan No. 44.
2. The Plaintiff is a body corporate consisting of a collection of all the Strata Proprietors contained within Strata Plan No. 44 in accordance with Section 5(1) of the Strata Titles Registration Law (2013 Revision) (hereinafter 'the Law').
3. In accordance with its duties and powers under Section 6(2) of the Law the Plaintiff;
 - (a) Has to establish a fund for administrative expenses sufficient in the opinion of the Plaintiff for the control, management and administration of the common property, for the payment of any premiums of insurance and for the discharge of any of its other obligations.
 - (b) Is empowered to determine, from time to time, the amounts to be raised for the fund for administrative expenses and to raise such amounts by levying contributions on the proprietors in proportion to their unit entitlement.
4. The plaintiff exercised such powers by both establishing a fund for administrative expenses and by determining from time to time the amounts to be raised for the fund for administrative expenses.
5. The amounts to be raised for administrative expenses were determined by way of resolutions of the Executive Committee of the plaintiff and approval of such resolutions were given at the Annual General Meeting of the plaintiff.
6. Subject to the Law, the control, management, administration, use and enjoyment of the Strata lots and the common property contained in every registered strata plan shall be regulated by bye-laws.
7. Pursuant to Plaintiff's Bye-Law 7.1.3 it is the Defendant's obligation as proprietor to pay to the Plaintiff all contributions levied by the Plaintiff pursuant to Section 6(2) of the Law within 30 days of demand for payment. Bye-Law 7.1.5. also makes it the defendant's obligation to pay all reasonable expenses incurred by the Plaintiff in connection with any step taken with a view to collection of contributions due from the defendant including all legal expenses on an indemnity basis both before and after judgment.
8. The Defendant has failed to honour her obligation to make such payments within 14 days of demand.
9. Bye-law 7.1.4.1. of the Bye-laws allows the plaintiff to charge interest to the Defendant on all contributions levied and unpaid within 30 days of demand at a rate of interest of 10% per annum calculated on the unpaid balance from the payment due date until

payment and if payment is not made within 6 months of demand interest will thereafter accrue on the unpaid balance at the rate of 20% per annum calculated daily. The plaintiff is further entitled to an administration fee of CI\$50 per month upon the account being in arrears. Such interest and fees have been applied to the Defendant's account and appears in the itemized breakdown attached to the Plaintiff.

10. As of the 26th January 2016 the Defendant is in arrears in the amount of CI\$10,614.82 in respect of the property and the Plaintiff claims the said sum as monies due and owing of foot of the Defendant's breach of contract, this contract being the Strata Bye-Laws which exist and are legally enforceable as between the Plaintiff and Defendant pursuant to Section 21 of the Strata Titles Registration Law (as revised).
11. The Plaintiff claims interest on the said sum owing and further seeks and is entitled to its expenses and costs of collecting the overdue contributions on a full indemnity basis pursuant to Bye-Law 7.1.5.

STATEMENT REGARDING INTEREST

The Plaintiff seeks pre and post judgment interest from the date of issue of the Plaintiff in accordance with the provisions of the Bye-Laws or in the alternative in accordance with the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.

- a. The interest rate claimed as per the bye-laws is 10% per annum.
- b. In the alternative the interest rate as per the Judgment Debt (Rates of Interest) Rules is 2 3/8% per annum.
- c. The amount of interest owing at date of issue of this Plaintiff is \$0
- d. The amount of interest accruing each day following the issue of this Plaintiff is CI\$2.90.

AND THE PLAINTIFF CLAIMS:

- (i) The said sum of CI\$10,614.82
- (ii) Pre and post judgment interest on the said sum of CI\$10,614.82 in accordance with the Strata bye-Laws and the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- (ii) Costs plus filing fees and bailiff's fee for service.

If within the time for returning Acknowledgement of Service the Defendant pays to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$10,614.82 (together with interest and costs of CI\$200) all further proceedings will be stayed.

Dated this 29th day of January, 2016

Samson & McGrath
SAMSON & McGRATH
Attorneys-at-Law for the Plaintiff



Statement

Villas Pappagallo Strata No.44 (CI\$)
 PO Box 871
 Grand Cayman KY1-1103
 Cayman Islands

Date
1/26/2016

To:
29 - Audrey Kafafian 19 Yorkshire Drive Hackettstown NI 07840 USA

All figures are in Cayman Islands Dollars
 If paying in US Dollars please divide by 0.82
 All cheques payable to Villas Pappagallo Strata
 No.44

Amount Due	Amount Enc.
\$10,614.82	

Date	Transaction	Amount	Balance
12/31/2015	Balance forward		10,712.46
01/01/2016	INV #13330. Cable --- Basic Cable \$47.00	47.00	10,759.46
01/01/2016	INV #13374. Insurance (4 @ \$94.09) --- Insurance 2016-17 \$376.34	376.34	11,135.80
01/01/2016	INV #13419. Strata Fees (4 @ \$134.27) --- Strata Fees \$537.08	537.08	11,672.88
01/20/2016	GENJRNL #1905. Refund of surplus funds as agreed at 2016 AGM	-1,058.06	10,614.82

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	1,173.75	1,099.27	1,089.76	7,252.04	\$10,614.82

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PLAINTIFF

AND:

AUDREY KAFAFIAN

DEFENDANT

ACKNOWLEDGMENT OF SERVICE

1. State Defendant's name and address -

2. State whether the Defendant intends to contest the action.

Yes

No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4. If you do intend to contest the action, in whole or in part, you must set out full particulars of your defense overleaf.

Service of the Plaintiff is acknowledged accordingly.

Defendant's Signature

Dated this day of , 2016

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraph the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

Defendant's Signature

REMINDER - This form must be taken or sent to the Courts Office, PO Box 495, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.