



IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC 117 OF 2016

BETWEEN:

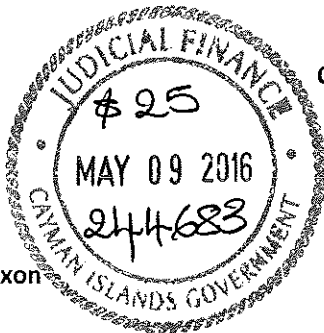
THE PROPRIETORS, STRATA PLAN No. 519

PLAINTIFF

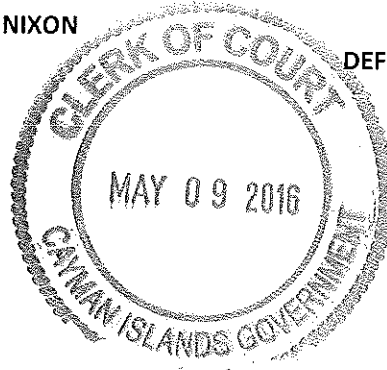
AND

CRAIG ANDREW NIXON

DEFENDANT



PLAINT



TO:

Craig Nixon
Apt 109
The Carenage
Block B
Prospect

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 Complaint 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 9th of May, 2016

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Defendant is the registered proprietor of the property situated at Block and Parcel 22E 418H5, Prospect, also known as Apt 109 The Carenage, within a residential development situated in Prospect, Grand Cayman and the subject of the Strata Plan No. 519.
2. The Plaintiff is a body corporate consisting of a collection of all the Strata Proprietors contained within Strata Plan No. 519 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. 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.
5. Pursuant to the By-Laws 33(3) of the plaintiff's registered bye-laws, it is the defendant's obligation to make payments of the amounts determined by the Strata within 14 days of demand.
6. The Plaintiff levied such contributions by way of monthly invoices sent to the Defendant stating the payment due for that month. Copies of the latest invoice detailing the breakdown of the claim made herein is annexed to the plaint.

7. The plaintiff is further entitled pursuant to By-Law 33(3)(b) to interest on all sums due and owing payable at the daily rate equivalent to 2% per annum above the prime lending rate for commercial banks in the Cayman Islands and as currently charged at 5% per annum from time of default until payment.
8. The defendant has failed to honour his obligation to make such payments and the defendant is now in arrears in the amount of CI\$14,987.96 as of the 1st May, 2016.
9. The plaintiff claims monies due and owing of foot of the defendant's breach of contract, that 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 (2013 Revision).
10. The plaintiff claims interest on the sums owing.

STATEMENT REGARDING INTEREST

- a) The plaintiff seeks pre and post judgment interest from the 1st May, 2016 in accordance with the bye-laws at the rate of 5% per annum or alternatively in accordance with the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- b) The interest rate as per the bye-laws is 5% per annum.
- c) Interest is claimed from the 1st May, 2016.
- d) The amount of interest owing at date of issue of this Plaintiff is \$18.00.
- e) The amount of interest accruing each day following the issue of this Plaintiff is CI\$2.00.

AND THE PLAINTIFF CLAIMS:

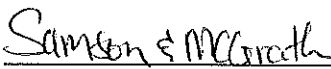
- (i) The said sum of CI\$14,987.96

- (ii) Pre and post judgment Interest on the said sum of CI\$14,987.96 in accordance with the bye-laws or with the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.

- (ii) Costs to be taxed or agreed or alternatively fixed costs in the sum of CI\$150.00 plus filing fees and bailiff's fee for service.

If within the time for returning Acknowledgement of Service the Defendants pays to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$14,987.96 (together with interest and costs of CI\$150) all further proceedings will be stayed.

Dated this 9th day of May, 2016



SAMSON & MCGRATH
Attorneys-at-Law for the Plaintiff

Owner Ledger

Craig Nixon
 109 The Careenage
 PO Box 726 KY1-1502
 Grand Cayman,

Date: 05/08/16
 Owner Code: 109cn
 Property: 01
 Unit: 109
 Status: Current
 StrataFees: 1,335.62
 Deposit: 0.00
 Move In Date:
 Move Out Date:
 Due Day: 1
 Tel# (O)
 Tel# (H)

Date	Description	Charges	Payments	Balance
	Balance Forward			0.00
10/13/14	Balance outstanding prior to Avata assum	7,549.65		7,549.65
11/01/14	Strata Fee (11/2014)	1,012.08		8,561.73
11/04/14			500.00	8,061.73
12/02/14			500.00	7,561.73
12/23/14			500.00	7,061.73
02/01/15	Strata Fee (02/2015)	1,335.62		8,397.35
02/02/15			500.00	7,897.35
03/02/15			500.00	7,397.35
04/01/15	Insurance (04/2015)	543.37		7,940.72
04/01/15			500.00	7,440.72
05/01/15	Strata Fee (05/2015)	1,335.62		8,776.34
05/01/15	Insurance	543.37		9,319.71
05/01/15			500.00	8,819.71
06/01/15	Insurance (06/2015)	543.37		9,363.08
08/01/15	Strata Fee (08/2015)	1,335.62		10,698.70
10/28/15			500.00	10,198.70
11/01/15	Strata Fee (11/2015)	1,335.62		11,534.32
11/30/15	Late Fee 0.4375% of amount owed (total)	50.46		11,584.78
12/30/15	Late Fee 0.4375% of amount owed (total)	47.73		11,632.51
12/31/15	Direct Bank Deposit		300.00	11,332.51
01/30/16	Late Fee 0.4375% of amount owed (total)	49.15		11,381.66
02/01/16	Strata Fee (02/2016)	1,335.62		12,717.28
03/31/16	Late Fee 0.4375% of amount owed (total)	54.99		12,772.27
04/01/16	Insurance (04/2016)	411.64		13,183.91
04/30/16	Late Fee 0.4375% of amount owed (total)	56.79		13,240.70
05/01/16	Strata Fee (05/2016)	1,335.62		14,576.32
05/01/16	Insurance (05/2016)	411.64		14,987.96

Current	30 Days	60 Days	90 Days	Amount Due
1,804.05	466.63	0.00	12,717.28	14,987.96

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PLAINTIFF

AND

CRAIG ANDREW NIXON

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 , 2015

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.