

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G0086* OF 2016

LEGAL AID NO.: LACV0068/2015

BETWEEN:

JASON CLAY WELCOME

PLAINTIFF.

AND:

CHANDA VINNETTE GLIDDEN

DEFENDANT



WRIT OF SUMMONS

TO: Ms. Chanda Vinnette Glidden
OF: P.O. Box 1160, Grand Cayman
Cayman Islands. KY1-1503

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the following 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 495G, George Town, Grand Cayman, 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 *17th* day of *May*, 2016.

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 is issued by Natasha N. Bodden, Attorney-at-Law, attorney for the Plaintiff, whose address for service is 5th Floor, Genesis Building, George Town, Grand Cayman.

STATEMENT OF CLAIM

1. The Plaintiff was the legally registered owner of Registration Section Spotts, Block 24E, Parcel 63 (hereinafter referred to as "the Property") since inheriting it from his grandmother.
2. The Plaintiff and the Defendant had been in a serious, long-term relationship and during the course of this relationship they had one (1) child, a son named Jaheim Zion Glidden-Welcome.
3. Also during the course of the relationship, the Plaintiff began experiencing mental health problems. After the Plaintiff and Respondent ended their relationship the Plaintiff was put in the care of his mother, Mrs. Shirley Ann Arthurs-Martinez, with whom the Plaintiff still currently resides.
4. The Plaintiff agreed to have the Defendant's name added to the Property as they wanted to take out a loan to build a house on the Property. As such, the Defendant's name was added with a $\frac{1}{4}$ share.
5. After the Defendant's name had been added, however, the loan was never applied for. When the Plaintiff asked the Defendant about removing her name from the Property she told him not to worry about it.
6. The Plaintiff and the Defendant ended their relationship in 2008. At that time, the Defendant's name was still on the Property.
7. The Defendant suggested to the Plaintiff that he should add their son Jaheim's name to the Property. The Plaintiff agreed to this with the understanding that the Defendant would transfer her $\frac{1}{4}$ share to their son.
8. The Defendant told the Plaintiff that she would arrange the necessary paperwork to have their son's name added to the Property. The Plaintiff trusted the Defendant to handle the paperwork as she was a lawyer.
9. In October 2013 the Defendant called the Plaintiff while he was at home and asked him to come outside to sign the document. The Plaintiff believed that this document would transfer the Respondent's $\frac{1}{4}$ share of the Property to their son. The Plaintiff signed said document in the presence of the Respondent.
10. The document which the Defendant coerced the Plaintiff into signing was in fact a Transfer of Land form. When the Plaintiff signed said document it was blank and contained no details of the transfer save for the Defendant's and Jaheim's names. The

This STATEMENT OF CLAIM is filed by Natasha N. Bodden, attorney-at-law for the Plaintiff, whose address for service is 5th Fl, Genesis Building, Genesis Close, George Town, Grand Cayman.

Defendant later filled in the information and transferred all of the Plaintiff's interest in the Property to herself "as Trustee" for their son.

11. The Plaintiff was not aware of the true nature of the document which he signed and was also unaware that by signing it he was signing over his entire interest in the Property to the Defendant. Had he been made aware of this he never would have signed the document. Being a lay-person with limited knowledge of the law, the Plaintiff trusted the Defendant (a lawyer) when she told him to sign the form after explaining to him that it was simply a transfer of her $\frac{1}{4}$ share to their son.
12. The Transfer of Land has been certified by Notary Public John C. McGoo, however, the Plaintiff did not sign the Transfer in his presence nor does he remember ever meeting anyone by that name.
13. The Plaintiff only found out that the Property was no longer in his name when he went to Lands and Survey to inquire about selling it in February 2016.
14. The Defendant fraudulently coerced the Plaintiff into signing over his interest in the land. As such the Plaintiff is suing the Defendant for fraud and to recover the land.

AND THE PLAINTIFF CLAIMS:

1. An Order from the Court that the relevant Transfer of Land either be set aside as invalid or reversed;
2. Damages in such sum as this Honourable Court may award;
3. Such further or other relief as this Honourable Court deems fit.

The Plaintiff believes that the facts stated in this Statement of Claim are true. Please see Affidavit attached as Exhibit "1".

N.B.

NATASHA N. BODDEN
ATTORNEY-AT-LAW

Dated: *17th* day of *May*, 2016
Filed: *17th* day of *May*, 2016

This STATEMENT OF CLAIM is filed by Natasha N. Bodden, attorney-at-law for the Plaintiff, whose address for service is 5th Fl, Genesis Building, Genesis Close, George Town, Grand Cayman.

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AND: CHANDA VINNETTE GLIDDEN DEFENDANT

Exhibit "1"

IN THE MATTER OF REGISTRATION SECTION SPOTTS, BLOCK 24E, PARCEL 63

IN THE APPLICATION OF JASON CLAY WELCOME TO NULLIFY THE TRANSFER OF LAND

AFFIDAVIT OF JASON CLAY WELCOME

I, **JASON CLAY WELCOME**, of Grand Cayman, **MAKE OATH** and say as follows:-

1. I obtained legal ownership of Registration Section Spotts, Block 24E, Parcel 63 (hereinafter referred to as "the Property") in 1998.
2. The Property belonged to my grandmother before I inherited it.
3. In 2013 Ms. Chanda Glidden asked me to sign a Transfer of Land Form (hereinafter referred to as "the Document"). I was unaware of the nature of the Document and never believed that the Plaintiff would try to do anything under-handed as we had been in a serious relationship for years and I trusted her.
4. Ms. Glidden never explained to me that by signing the Document I was transferring my interest in the Property over to her as Trustee for our son. If that had been explained, I never would have signed the Document.
5. On the day that I signed the Document Ms. Glidden called me and told me to come out to the driveway. I came out to the car that she was waiting in and she gave me the Document to sign. It was blank and no information had been filled in. Ms. Glidden told me that she would fill it in herself. The only people present when I signed the document were myself, Ms. Glidden and our son.
6. I never attended the offices of or signed the Document in the presence of the Notary Public whose seal appears on the Document, Mr. John C. McGoo.
7. Ms. Glidden used her position and expertise as an attorney as well as my trust in her as my long-term partner and mother of my child to coerce me into signing the document which resulted in me losing my Property to her. She took advantage of me.
8. It was never my intention to give the Plaintiff my share of the Property.

SWORN at George Town,)
Grand Cayman)
This 22nd day of MARCH, 2016)
Before me:)



Natasha Bodden
Notary Public



JASON CLAY WELCOME

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.

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AND: CHANDA VINNETTE GLIDDEN 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.

CHANDA VINNETTE GLIDDEN

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).....
Defendant or Attorney for Defendant

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.

Natasha N. Bodden, Attorney-at-Law
5th Floor, Genesis Bldg, George Town
PO Box 30796, Grand Cayman KY1-1204
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.