

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC 99 OF 2017

BETWEEN:

AND:

THE PROPRIETORS, STRATA PLAN No. 624

PLAINTIFF

TROY TERRELL THOMAS

DEFENDANT

PLAINT

TO:

Troy Terrell Thomas
Omega Bay Gardens



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 22nd of May, 2017

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Defendant is the registered proprietor of the property situated at Registration Section Spotts, Block and Parcel No. 24E 339H2, Block A, Apartment No. 2, situated in a residential development in Spotts, Grand Cayman and the subject of the Strata Plan No. 624.
2. The Plaintiff is a body corporate consisting of a collection of all the Strata Proprietors contained within Strata Plan No. 624 in accordance with Section 5(1) of the Strata Titles Registration Law (2005 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 Plaintiff's Bye-Law 61.3.1 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.
6. The Plaintiff levied such contributions by way of monthly invoices sent to the Defendants stating the payment due for that month.

7. The Defendant has failed to make payments in accordance with his obligation and is now in arrears in the amount of CI\$4,582.87 as of the 1st May 2017. A copy of the latest statement of account for the defendant is annexed to this plaint.
8. The Plaintiff claims the sum of CI\$4,582.87 as monies due and owing on 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 (2005 Revision).
9. The amount as set out above includes interest to which the Plaintiff is entitled in accordance with Section 61.3.3. of the bye-laws which provides that interest will be payable in the event of any such payments not being made within thirty (30) days of such demand at the rate of U.S. Prime plus three per cent (3%), with current effective rate of 6.25% with such interest accruing from day to day until payment.
10. Interest is claimed on the sum claimed from the 1st May 2017.

STATEMENT REGARDING INTEREST

a) The Plaintiff seeks pre and post judgment interest from the date of issue of the Plaint in accordance with the provisions of the Bye-Laws or in the alternative in accordance with the Judicature Law (2007 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 6.25% 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 Plaint is CI\$17.01.

d) The amount of interest accruing each day following the issue of this Plaint is CI\$0.81

AND THE PLAINTIFF CLAIMS:

- (i) The said sum of CI\$4,582.87.

- (ii) Pre and post judgment Interest on the said sum of CI\$4,582.87 in accordance with the Strata bye-Laws and the Judicature Law (2007 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 Defendant pays to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$4,582.87 (together with interest and costs of CI\$150) all further proceedings will be stayed.

Dated this 22nd day of May 2017



McGRATH TONNER
Attorneys-at-Law for the Plaintiff

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC OF 2017

BETWEEN:

THE PROPRIETORS, STRATA PLAN No. 624

PLAINTIFF

AND:

TROY TERRELL THOMAS

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 , 2017

See Overleaf

PARTICULARS OF DEFENCE

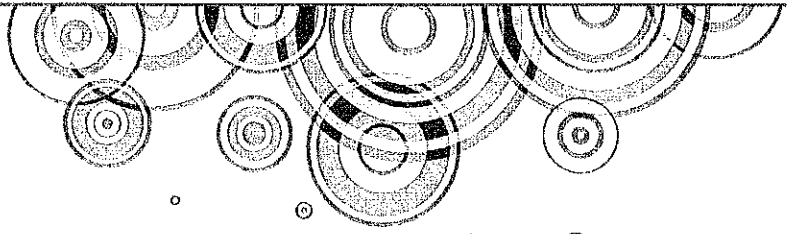
(Here set out in numbered paragraph the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

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.

Omega Bay Gardens

% Estate Management Services Ltd
P.O. Box 30082,
Grand Cayman, KY1-1201



Statement



Bill To
Troy Thomas

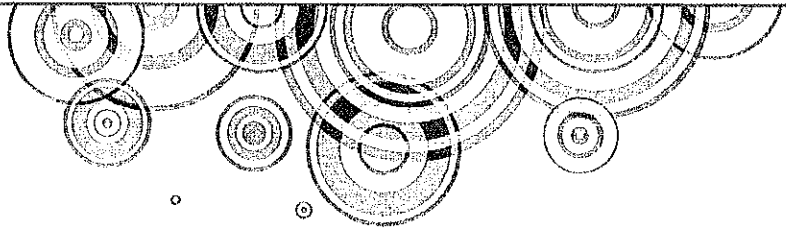


Date	Amount Due	Enclosed
05/01/17	\$4,582.87	

Date	Description	Amount	Balance		
12/31/15	Balance forward		4,225.38		
01/01/16	INV #649	339.36	4,564.74		
	- Monthly Strata Fee				
	--- Strata Fees \$339.36				
01/26/16	PMT - Payment - T Thomas	-350.00	4,214.74		
02/01/16	INV #651	339.36	4,554.10		
	- Monthly Strata Fee				
	--- Strata Fees \$339.36				
02/26/16	PMT - Payment- Thomas	-400.00	4,154.10		
03/01/16	INV #663	339.36	4,493.46		
	- Monthly Strata Fee				
	--- Strata Fees \$339.36				
04/01/16	INV #679	339.36	4,832.82		
	- Monthly Strata Fee				
	---- Strata Fees \$339.36				
04/19/16	INV #690	406.87	5,239.69		
	- Insurance Assessment 2016				
	--- Insurance Assessment \$406.87				
05/01/16	INV #702	339.36	5,579.05		
	- Monthly Strata Fee				
	--- Strata Fees \$339.36				
05/09/16	PMT - Payment - T Thomas	-500.00	5,079.05		
06/01/16	INV #714	339.36	5,418.41		
	- Monthly Strata Fee				
	--- Strata Fees \$339.36				
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	\$339.36	\$0.00	\$678.72	\$3,564.79	\$4,582.87

Omega Bay Gardens

% Estate Management Services Ltd
 P.O. Box 30082,
 Grand Cayman, KY1-1201



Statement



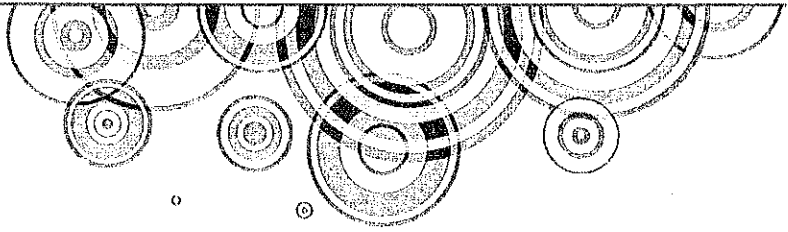
Bill To
Troy Thomas

Date	Amount Due	Enclosed
05/01/17	\$4,582.87	

Date	Description	Amount	Balance		
06/01/16	INV #733 - Maintenance Special Assessment for 2016 --- Special Assessment, 1 @ \$320.86 = 320.86	320.86	5,739.27		
06/01/16	PMT - Payment - T Thomas	-350.00	5,389.27		
06/28/16	PMT - Payment - Troy Thomas	-350.00	5,039.27		
07/01/16	INV #739 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	5,378.63		
08/01/16	INV #750 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	5,717.99		
09/01/16	INV #762 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	6,057.35		
09/02/16	PMT - Payment - T Thomas	-300.00	5,757.35		
10/01/16	INV #774 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	6,096.71		
10/26/16	PMT - Payment - T Thomas	-450.00	5,646.71		
11/01/16	INV #789 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	5,986.07		
11/30/16	PMT - Payment - Troy Thomas	-1,000.00	4,986.07		
12/01/16	INV #803	339.36	5,325.43		
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	\$339.36	\$0.00	\$678.72	\$3,564.79	\$4,582.87

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Statement



Bill To
Troy Thomas



Date	Amount Due	Enclosed
05/01/17	\$4,582.87	

Date	Description	Amount	Balance		
01/01/17	INV #803 INV #814 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	5,664.79		
01/03/17	PMT - Payment - T Thomas	-700.00	4,964.79		
01/27/17	PMT - Payment - T Thomas	-500.00	4,464.79		
02/01/17	INV #825 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	4,804.15		
03/01/17	INV #838 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	5,143.51		
03/02/17	PMT - Payment - T Thomas	-450.00	4,693.51		
03/29/17	PMT - Payment - T Thomas	-450.00	4,243.51		
04/01/17	INV #850 - Monthly Strata Fee --- Strata Fees \$339.36	339.36	4,582.87		
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	\$339.36	\$0.00	\$678.72	\$3,564.79	\$4,582.87