

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO: SC 149 OF 2017

B E T W E E N:

HUW ST. JOHN MOSES



Plaintiff

AND

CHARLES BUSH

Defendant



PLAINT

TO:

Charles Bush
#57 Watlers Drive
Grand Cayman, KY1-1003
Cayman Islands



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 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service 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 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 25 day of July 2017

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. The Plaintiff is one of the joint proprietors of the property known and situate as Registration Section George Town Commercial Block OPY Parcel No. 181 ("the Property"). The Plaintiff's address for service is care of their Attorneys, HSM Chambers, 68 Fort Street, George Town, P.O. Box 31726, Grand Cayman, KY1-1207, Cayman Islands.
2. The Defendant is an individual who resides in the Cayman Islands with a physical address of #57 Watlers Drive, George Town, Grand Cayman, KY1-1003, Cayman Islands.
3. On or around 15 February 2017 at approximately 12:00p.m., the Defendant attended the Property whereupon he reversed his vehicle, a Grey Honda CRV License Plate Number 160 77, into a bollard causing damage to the same ("the Incident"). The Plaintiffs have CCTV footage of the Incident and attached and marked as Exhibit "**POC1**" are photographs from that footage.
4. The Incident was also reported to the Royal Cayman Islands Police Service under crime reference number #2017-006503.
5. On the same day, the Defendant spoke with Mr. Gemar Brown of HSM Chambers and it was agreed the Plaintiff would take no further action on the strict understanding that the Defendant would indemnify the Plaintiff in respect of the Incident.
6. On 21 March 2017 the Plaintiff obtained a quote for the repair of the bollard from AMB Constriction Ltd. in the sum of CI\$523.00. Attached and marked as Exhibit "**POC2**" is a copy of the aforementioned quote.
7. During a telephone call with Mr. Gemar Brown, the Defendant agreed to attend the Plaintiff's offices on 8 May 2017 to discuss the Incident. However, he did not attend.
8. The Defendant has either failed to make full payment to the Plaintiff despite a formal demand being personally served upon the Defendant on or around 13 July 2017.
9. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF claims:

- a) CI\$523.00 being the principal due;
- b) CI\$5.48 interest pursuant to Section 34 of the *Judicature Law (2017 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2010* from 15 February 2017 to 25 July 2017;
- c) Post-Judgment interest from 26 July 2017 pursuant to Section 34 of the *Judicature Law (2017 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2010* at the rate of CI\$0.03 per diem;
- d) CI\$175.00 fixed costs pursuant to Section 11 of the *Summary Court Rules 2004*; and
- e) Such further and other relief as this Court may deem just.

HSM Chambers

HSM Chambers
Attorneys for the Plaintiff

The principal amount claimed in respect of the debt is CI\$523.00 as of the date of filing. The amount of the filing fees to commence the proceeding is CI\$25.00 (US\$30.49). If, within the time for returning the acknowledgement of service, the defendants pay the plaintiff or its attorneys-at-law the total amount claimed in principal and the costs of issuing the Plaintiff, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

INDORSMENT REGARDING INTEREST

Interest at a rate in accordance with Section 34 of the *Judicature Law (2017 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2010* as set out at in the prayer above.

This Plaintiff was filed by HSM Chambers, Attorneys-at-Law for the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman, KY1-1207, Cayman Islands (ref: 418107.0017).

POC1



POC2

AMB Construction Ltd.
P.O. Box 30909
Grand Cayman KY1-1204

Customer	
Name	HSM
Bill To:	Huw Moses
Address	68 Fort Street
City	Grand Cayman KY1-1207
Phone	

Date	21-Mar-17
Invoice No.	17-0027
Rep	

Qty	Description	Unit Price (CIS)	TOTAL (CIS)
	HSM 68 Fort St- Bollard Repair		
11	Labour	\$25.00	\$275.00
1	Supervision	\$60.00	\$60.00
1	Material	\$188.00	\$188.00

SubTotal	
TOTAL	\$523.00

Payment	
<input type="radio"/>	Cash
<input type="radio"/>	Check
<input type="radio"/>	Credit Card
Name	_____
CC #	_____
Expires	_____

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IN IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO: SC 1149 OF 2017

B E T W E E N:

HUW ST. JOHN MOSES

Plaintiff

AND

CHARLES BUSH

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 defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

Defendant's Signature

Dated this day of 2017.

See overleaf

PARTICULARS OF DEFENCE

1. [*Here set out in numbered paragraphs the grounds upon which the Plaintiff claims that the Defendant is indebted to him or is liable to pay damages to him*]

Defendant's Signature

REMINDER -This form must be taken or sent to the Court Office, P.O. Box 495, Grand Cayman KY1-1106 within 14 days of receipt otherwise a default judgment may be entered against you.