

IN THE SUMMARY COURT AT GEORGE TOWN



Cause No. SC 151 of 2017

BETWEEN:

THE PROPRIETORS, STRATA PLAN NO. 220

PLAINTIFF

AND:



JAMES A. CLARK

1st DEFENDANT

AND:

PHILLIPA E. CLARK

2nd DEFENDANT

PLAINT



To the Defendants:

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, PO Box 495GT, 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 Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement 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 28th day of July 2017

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. The plaintiff is a body corporate formed pursuant to the Strata Titles Registration Law ("the Law") and is capable of bringing proceedings by virtue of section 5(1) of the Law.
2. The defendants are the registered joint proprietors of property George Town South, Block 14E Parcel 670H1 being a unit within the plaintiff strata.
3. The plaintiff filed bye-laws on 2nd September 1998 with the Cayman Islands Department of Lands and Survey. As such and by virtue of section 21(7) of the Law these bye-laws bind the owners of units at the plaintiff strata including the defendants and the plaintiff itself.
4. In accordance with section 36(3) of the said bye-laws it was the defendants joint and severable obligation to make payment, within 30 days of demand, of all apportioned contributions to the fund for administrative expenses levied by the plaintiff pursuant to section 6(2) of the law.
5. It was also the defendants joint and severable obligation to pay to the plaintiff all costs and expenses incurred by the plaintiff in connection with the performance of its duties under the Law and the bye-laws.
6. In accordance with section 36(b)i if such payments are not made within 30 days of demand the plaintiff is entitled to interest at the rate of 2% per annum above the Prime Rate of Interest prevailing in the Cayman Islands at the time of default accruing from day to day.
7. The plaintiff levied and invoiced the defendants monthly for contributions for administrative expenses and in breach of the agreement between the parties, the defendants failed or refused to pay the sum of CI\$7,665.71 between 1st April 2014 and 1st July 2017 which is still due and owing. Full particulars of the sum of CI\$7,665.71 is set out in the statement annexed to this plaint.

Statement regarding interest

- a) The Plaintiff seeks pre and post judgment interest from the date of issue of proceedings at the contractual rate of 2% per annum above the Prime Rate of Interest prevailing in the Cayman Islands at the time of default accruing from day to day on the unpaid balance until payment and in accordance with the provisions of the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- b) The interest rate claimed is 5.5%.
- c) Interest is claimed on the sum claimed from the 18th July 2017.

- d) The amount of interest owing at date of issue of this Plaintiff is \$0.
- e) The amount of interest accruing each day following the issue of this Plaintiff is CI\$1.15.

AND THE PLAINTIFF CLAIMS:

- (i) The said sum of CI\$7,665.71 as monies due and owing.
- (ii) Pre and post judgment Interest on the said sum in accordance with the terms of the agreement and the Judicature Law (2016 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- (iii) Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service

KSG

Attorneys for the Plaintiff

Endorsement

If within the time for returning Acknowledgement of Service the Defendants pay to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$7,665.71 and all filing fees, ad valorem fees, and all interest claimed all further proceedings will be stayed.

KSG

KSG Attorneys

Plaintiff's address for service

Strata Plan No. 220

Statement

c/o P.O. Box 30082
 Grand Cayman
 KY1-1201
 ems@candw.ky



Bill To
James & Phillipa Clarke

Date	Amount Due	Enclosed
07/01/17	\$7,665.71	

Date	Description	Amount	Balance
03/31/14	Balance forward		-300.00
04/01/14	INV #574	300.00	0.00
	- Monthly Strata Fees		
	--- Strata fees, 1 @ \$300.00 = 300.00		
04/07/14	PMT - James Clarke	-900.00	-900.00
04/07/14	PMT - James Clarke	-485.00	-1,385.00
05/01/14	INV #580	300.00	-1,085.00
	- Monthly Strata Fees		
	--- Strata fees, 1 @ \$300.00 = 300.00		
06/01/14	INV #586	300.00	-785.00
	- Monthly Strata Fees		
	--- Strata fees, 1 @ \$300.00 = 300.00		
07/01/14	INV #592	300.00	-485.00
	- Monthly Strata Fees		
	--- Strata fees, 1 @ \$300.00 = 300.00		
07/30/14	PMT - James Clarke	-692.50	-1,177.50
08/01/14	INV #599	300.00	-877.50
	- Monthly Strata Fees		
	--- Strata fees, 1 @ \$300.00 = 300.00		
08/01/14	INV #605	2,783.67	1,906.17
	- Building Insurance 2014 - 2015		
	--- Building Insurance, 1 @ \$2,783.67 = 2,783.67		
08/12/14	PMT - Payment - J Clarke	-692.50	1,213.67
09/01/14	INV #612	300.00	1,513.67
	- Monthly Strata Fees		
	--- Strata fees, 1 @ \$300.00 = 300.00		

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$300.00	\$300.00	\$0.00	\$300.00	\$6,765.71	\$7,665.71

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KY1-1201
ems@candw.ky**



Bill To
James & Phillipa Clarke

Date	Amount Due	Enclosed
07/01/17	\$7,665.71	

Date	Description	Amount	Balance
09/09/14	PMT - Payment - J Clarke	-692.50	821.17
10/01/14	INV #618 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,121.17
10/22/14	PMT - Payment - J Clarke	-692.50	428.67
11/01/14	INV #624 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	728.67
12/01/14	INV #630 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,028.67
01/01/15	INV #636 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,328.67
01/15/15	PMT - Payment - Clarke	-692.50	636.17
02/01/15	INV #642 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	936.17
03/01/15	INV #650 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,236.17
04/01/15	INV #651 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,536.17
04/23/15	PMT - Payment - Clarke	-1,000.00	536.17

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$300.00	\$300.00	\$0.00	\$300.00	\$6,765.71	\$7,665.71

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Date	Amount Due	Enclosed
07/01/17	\$7,665.71	

Date	Description	Amount	Balance
05/01/15	INV #663 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	836.17
06/01/15	INV #669 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,136.17
07/01/15	INV #676 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,436.17
08/01/15	INV #682 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	1,736.17
08/11/15	INV #688 - Building Insurance 2015 - 2016 --- Building Insurance, 1 @ \$2,297.00 = 2,297.00	2,297.00	4,033.17
09/01/15	INV #694 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	4,333.17
10/01/15	INV #700 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	4,633.17
10/19/15	PMT - Payment - Clarke	-2,000.00	2,633.17
11/01/15	INV #706 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	2,933.17

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$300.00	\$300.00	\$0.00	\$300.00	\$6,765.71	\$7,665.71

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Date	Amount Due	Enclosed
07/01/17	\$7,665.71	

Date	Description	Amount	Balance
12/01/15	INV #732 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	3,233.17
01/01/16	INV #733 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	3,533.17
01/16/16	PMT - Payment - J Clarke	-1,000.00	2,533.17
02/01/16	INV #734 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	2,833.17
03/01/16	INV #735 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	3,133.17
03/07/16	PMT #1323296 - Payment -J Clarke	-1,000.00	2,133.17
04/01/16	INV #737 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	2,433.17
05/01/16	INV #743 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	2,733.17
05/13/16	PMT - Payment - J Clarke	-1,000.00	1,733.17
06/01/16	INV #749 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	2,033.17
07/01/16	INV #750	300.00	2,333.17

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$300.00	\$300.00	\$0.00	\$300.00	\$6,765.71	\$7,665.71

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Date	Amount Due	Enclosed
07/01/17	\$7,665.71	

Date	Description	Amount	Balance
08/01/16	INV #750 INV #761 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	2,633.17
08/08/16	INV #768 - Building Insurance 2016- 2017 --- Building Insurance, 1 @ \$1,732.54 = 1,732.54	1,732.54	4,365.71
09/01/16	INV #773 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	4,665.71
10/01/16	INV #779 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	4,965.71
11/01/16	INV #785 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	5,265.71
12/01/16	INV #791 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	5,565.71
01/01/17	INV #804 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	5,865.71
02/01/17	INV #805 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	6,165.71

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$300.00	\$300.00	\$0.00	\$300.00	\$6,765.71	\$7,665.71

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Date	Amount Due	Enclosed
07/01/17	\$7,665.71	

Date	Description	Amount	Balance
03/01/17	INV #811 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	6,465.71
04/01/17	INV #817 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	6,765.71
05/01/17	INV #823 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	7,065.71
06/01/17	INV #829 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	7,365.71
07/01/17	INV #835 - Monthly Strata Fees --- Strata fees, 1 @ \$300.00 = 300.00	300.00	7,665.71

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$300.00	\$300.00	\$0.00	\$300.00	\$6,765.71	\$7,665.71

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PLAINTIFF

AND:

JAMES A. CLARK

1st DEFENDANT

AND:

PHILLIPA E. CLARK

2nd 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 _____, 20____

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs 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 Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.