

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC 188 OF 2017

BETWEEN

THE PROPRIETORS, STRATA PLAN No. 579

PLAINTIFF

AND

RAYMOND HOWARD WATT

And

GRACE ANN LEONIE ATKINSON WATT

DEFENDANTS



PLAINT



TO:

Raymond Watt
Grace Watt
Apt #11 Suellis Estates
West Bay
Grand Cayman

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 19th of September 2017

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Defendants are the registered joint proprietors of the property situated at Registration Section West Bay North West Block and Parcel 4C 608H11, within a residential development known as Suellis Estates and situated in West Bay, Grand Cayman and the subject of the Strata Plan No. 579.
2. The Plaintiff is a body corporate consisting of a collection of all the Strata Proprietors contained within Strata Plan No. 579 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 Plaintiff's registered Bye-Law 6(3) it is the Defendants' joint and severable obligation to pay to the Plaintiff all contributions levied by the Plaintiff pursuant to Section 6(2) of the Law within 14 days of demand.
6. The Plaintiff is further entitled in accordance with Bye-law 6(33) of the Bye-Laws to interest on any sum owing in the event of default of payment within 14 days of demand, that rate of interest being a minimum of 12% per annum calculated on a daily basis in

which interest shall accrue from day to day until payment. This interest has been added monthly to the arrears at the minimum rate of 12% per month on arrears.

7. The Plaintiff levied contributions by way of monthly invoices sent to the Defendants stating the payment due for that month.
8. The Defendants have failed to honour their obligations to make such payments within 14 days of demand and the Defendants are now in arrears in the amount of CI\$7,615.85 as of the 31st August 2017.
9. The Plaintiff claims monies due and owing of foot of the Defendants' breach of contract, that contract being the Strata Bye-Laws which exist and are legally enforceable as between the Plaintiff and Defendants pursuant to Section 21 of the Strata Titles Registration Law (2013 Revision).

STATEMENT REGARDING INTEREST

- a) The Plaintiff seeks pre and post judgment interest from the 1st April 2017 in accordance with the provisions of the Bye-Laws or in the alternative 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 claimed as per the bye-laws is 12% per annum.
- c) In the alternative the interest rate as per the Judgment Debt (Rates of Interest) Rules is 2 3/8 % per annum.
- d) Interest is claimed from the 31st August 2017.
- e) The amount of interest owing at date of issue of this Plaintiff is CI\$60.60.

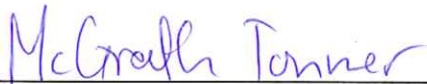
- f) The amount of interest accruing each day following the issue of this Plaintiff is CI\$2.02.

AND THE PLAINTIFF CLAIMS:

- (i) The said sum of CI\$7,615.85.
- (ii) Pre and post judgment Interest on the said sum of CI\$7,615.85 in accordance with the Strata bye-Laws and 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 pay to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$7,615.85 (together with interest and costs of CI\$150) all further proceedings will be stayed.

Dated this 19th day of September 2017



MCGRATH TONNER

Attorneys-at-Law for the Plaintiff

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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.