

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO: SC ²¹² OF 2017

B E T W E E N:

THE PROPRIETORS STRATA PLAN NO 531

Plaintiff

AND

SANDRA DOUGLAS
(A.K.A SANDRA SMITH)

Defendant



PLAINT

TO:

Sandra Douglas
Unit #11, The Blossoms
PO Box 489
Grand Cayman, KY1-1502
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 Plaint 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 October 2017

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. The Plaintiff is a strata corporation consisting of all Strata Proprietors contained in Strata Plan No. 531 pursuant to section 5(1) of the Strata Titles Registration Law (2013 Revision) (hereinafter "the Law"). The Plaintiff's address for service is care of its 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 mailing address of P.O. Box 489, Grand Cayman, KY1-1502, Cayman Islands. The Defendant is the registered proprietor of the property known and situate as Registration Section Savannah Block 28B Parcel No. 233H11 The Blossoms, Apartment No. 11 ("the Property"), a residential development subject of Strata Plan No. 531. Exhibited as "**POC1**" is a copy of the Cayman Islands Land Registry Search.
3. The Duties and Powers of Strata Plan No. 531 are set out in section 6 of the Law, which states *inter alia*, as follows:

"...(2) The powers of a corporation include the following- (a) to establish a fund for administrative expenses sufficient in the opinion of such corporation 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) to determine, from time to time, the amounts to be raised for the fund referred to in paragraph (a) and to raise amounts so determined by levying contributions on the proprietors in proportion to the unit entitlement of their respective lots."

Exhibited as "**POC2**" is a copy of the relevant pages to the Strata Titles Registration Law (2013 Revision).

4. The Plaintiff exercised such powers by both establishing a fund for administrative expenses and by determining from time to time the amounts to be raised for the fund for administrative expenses.
5. Clause 1(b) Schedule 1 of the Law provides that the duties of the proprietor are , *inter alia*, as follows:

"(1)A proprietor shall... (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot."

Exhibited as "POC3" is a copy of the relevant pages of the Law.

6. The Defendant defaulted on their strata payments and as of 1 October 2017, owed to the Plaintiff is the principal sum of CI\$5,375.00. Exhibited as "POC4" is a copy of the Defendant's account showing all strata fees charges and any payments made by the Defendant.
7. The Defendant has either failed or neglected to make full payment to the Plaintiff notwithstanding a Demand for the monies served upon the Defendant by way of email correspondence dated 6 September 2017. The Defendant offered to pay CI\$1000.00 by 20 September 2017, thereafter monthly payments of CI\$800.00 until debt is fully extinguished. No payments have been received to date.
8. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF claims:

- a) CI\$5,375.00 being the principal sum due as at 1 October 2017;
- b) CI\$10.76 interest pursuant to Section 34 of the *Judicature Law (2017 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2012* from 21 September 2017 to 25 October 2017;
- c) Post-Judgment interest from 26 October 2017 pursuant to Section 34 of the *Judicature Law (2017 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2012* at the rate of CI\$0.31 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

INDORSEMENT

The principal amount claimed in respect of the debt is CI\$5,375.00 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 defendant pays 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.

INDORSEMENT 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, 2012* 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: 419947.0024).

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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 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.

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EXHIBIT "POC1"

IN THE SUMMARY COURT AT GEORGE TOWN

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EXHIBIT "POC2"

CAYMAN ISLANDS



Supplement No. 14 published with Gazette No. 21 of 21st October, 2013.

STRATA TITLES REGISTRATION LAW

(2013 Revision)

Law 14 of 1973 consolidated with Laws 1 of 1983, 14 of 1994, 8 of 2005 and 10 of 2012.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted:

Law 14 of 1973-25th October, 1973
Law 1 of 1983-22nd February, 1983
Law 14 of 1994-23rd September, 1994
Law 8 of 2005-24th February, 2005

- (f) contain such other particulars and be accompanied by such certificates and other documents as may be prescribed.
- (2) The reference of the parcel and the number of the strata lot shall together be a sufficient reference to a strata lot.
- (3) The common boundary between any two strata lots or between a strata lot and common property shall, unless otherwise specified in the relevant strata plan, be the boundary line or the centre line of the floor, wall or ceiling between such strata lots or between such strata lot and the common property, as the case may be.
- (4) The unit entitlement of each strata lot shall, as respects the proprietor of such strata lot, determine-
 - (a) the quantum of his share in the relevant corporation; and
 - (b) the proportion payable by him of contributions levied pursuant to paragraph (b) of section 6(2).

PART III- Corporations

- 5. (1) The proprietors of all the strata lots contained in any strata plan shall, upon registration of the strata plan, become a body corporate (hereafter referred to as “a corporation”) under the name “The proprietors, Strata Plan No.” (with the appropriate number of the strata plan inserted in the blank space).
- (2) Every corporation shall have perpetual succession, a common seal and be capable of suing and being sued in its name.
- (3) Any enactment providing for the incorporation, regulation and winding-up of companies shall not apply to corporations.

Establishment of a corporation

- 6. (1) The duties of a corporation shall include the following-
 - (a) to insure and keep insured the building to the replacement value thereof against fire, earthquake, hurricane and such other risks as may be prescribed, unless the proprietors by super-majority resolution otherwise determine;
 - (b) to effect such insurance as it may be required by law to effect;
 - (c) to insure against such risks other than those referred to elsewhere in this subsection as the proprietors may, from time to time by unanimous resolution, determine;
 - (d) subject to section 23(2) and (3) and to such conditions as may be prescribed, to apply insurance moneys received by it in respect of damage to the building in rebuilding and reinstating the building so far as it may be lawful so to do;

Duties and powers of a corporation

- (e) to pay premiums on any policies of insurance effected by it;
- (f) to keep in a state of good and serviceable repair and properly maintain the common property;
- (g) to comply with notices or orders by any competent public or local authority requiring repairs to, or work to be done in respect of, the parcel; and
- (h) to comply with any reasonable request for the names and addresses of the members of the executive committee.

(2) The powers of a corporation include the following-

- (a) to establish a fund for administrative expenses sufficient in the opinion of such corporation 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) to determine, from time to time, the amounts to be raised for the fund referred to in paragraph (a) and to raise amounts so determined by levying contributions on the proprietors in proportion to the unit entitlement of their respective lots;
- (c) to recover from any proprietor, by an action for debt in any court of competent jurisdiction, any sum of money expended by the corporation for repairs to or work done by it or at its direction in complying with any notice or order by a competent public or local authority in respect of that portion of the building which constitutes or includes the strata lot of that proprietor; and
- (d) to enter any strata lot and effect repairs or carry out work pursuant to its duty under paragraph (g) of subsection (1).

(3) Subject to subsection (4), any contribution levied pursuant to subsection (2) shall be due and payable on the passing of a resolution to that effect and in accordance with the terms of such resolution, and may be recovered as a debt by a corporation in an action in any court of competent jurisdiction from the proprietor entitled at the time when such resolution was passed and from the proprietor entitled at the time when such action was instituted, both jointly and severally.

(4) A corporation shall, on the application of a proprietor or any person authorised in writing by him, certify-

- (a) the amount of any contribution determined as the contribution of that proprietor;
- (b) the manner in which such contribution is payable; and
- (c) the extent to which such contribution has been paid by that proprietor,

and, in favour of any person dealing with that proprietor, such certificate shall be conclusive evidence of the matters certified therein.

(5) A policy of insurance authorised by subsection (1) and in respect of the building shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised by this section in respect of the same building.

7. (1) Every corporation shall cause to be kept, at a conspicuous place at or near the front of the land to which the relevant strata plan relates, a receptacle suitable for purposes of postal delivery, with the name of the corporation clearly shown thereon. Service of documents on corporations

(2) Any summons, notice, order or other document may be served on the corporation by post in a prepaid letter addressed to the corporation at the address shown on the strata plan, or by placing it in the receptacle referred to in subsection (1).

8. (1) Any powers of voting conferred by or under this Law may be exercised- Voting rights

- (a) in the case of a proprietor who is an infant, by his guardian; or
- (b) in the case of a proprietor who is for any other reason unable to control his property, by the person who for the time being is authorised by law to control that property.

(2) Where the court, upon the application of a corporation or of any proprietor, is satisfied that there is no person able to vote in respect of a strata lot the court-

- (a) shall, in cases where a super-majority resolution is required by this Law; and
- (b) may, in its discretion in any other case,

appoint some fit and proper person for the purpose of exercising such powers of voting under this Law as the court shall determine, and the court may, in making such appointment, make such order as it thinks necessary or expedient to give effect to such appointment, including an order as to the payment of costs of the application, and may vary any order so made.

(3) The court may order service of notice of the application referred to in subsection (2) on such person as it thinks fit or may dispense with service of such notice.

9. (1) Every corporation or any person having an interest in a strata lot may apply to the court for appointment of an administrator. Administration

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EXHIBIT "POC3"

SCHEDULE 1

Bye-laws amendable only by unanimous resolution

section 21

- Duties of proprietor
1. A proprietor shall-
 - (a) permit his corporation and its agents, at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his strata lot for the purpose of inspecting it and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that the bye-laws are being observed;
 - (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his strata lot;
 - (c) repair and maintain his strata lot, and keep it in a state of good repair, reasonable wear and tear, damage by fire, storm, tempest or act of God excepted;
 - (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors or their families or visitors;
 - (e) not use his strata lot or permit it to be used in such manner or for such purpose as shall cause a nuisance or hazard to the occupier of any other strata lot (whether a proprietor or not) or any member of the household or any guest of such occupier; and
 - (f) notify the corporation forthwith upon any change of ownership or of any mortgage charge or other dealing in connection with his strata lot.
- Duties of corporation
2. Every corporation shall-
 - (a) control, manage and administer the common property for the benefit of all proprietors;
 - (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property;
 - (c) where practicable, establish and maintain suitable lawns and gardens on the common property;

- (d) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot or common property; and
- (e) on the written request of the proprietor or registered chargee of a strata lot, produce to such proprietor or chargee, or any person authorised in writing by such proprietor or chargee, the policy or policies of insurance effected by the corporation and the receipt or receipts for the last premiums in respect thereof.

3. The corporation may-

Powers of corporation

- (a) purchase, hire or otherwise acquire personal property for use by proprietors in connection with their enjoyment of common property;
- (b) borrow moneys required by it in the performance of its duties or the exercise of its powers;
- (c) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument, charge of unpaid contribution, whether levied or not, or charge of any property vested in it, or by combination of those means;
- (d) invest as it may determine any moneys in the fund for administrative expenses;
- (e) make an agreement with the proprietor or occupier of any strata lot for the provision of amenities or services by it to such strata lot or to the proprietor or occupier thereof; and
- (f) do all things reasonably necessary for the enforcement of the by-laws and the control, management and administration of the common property.

4. A general meeting of proprietors shall be held within three months after registration of the strata plan.

First general meeting

5. Subsequent general meetings (hereafter referred to as annual general meetings) shall be held once in each year:

Subsequent general meetings

Provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.

6. All general meetings other than the annual general meetings shall be called extraordinary general meetings.

Extraordinary general meetings

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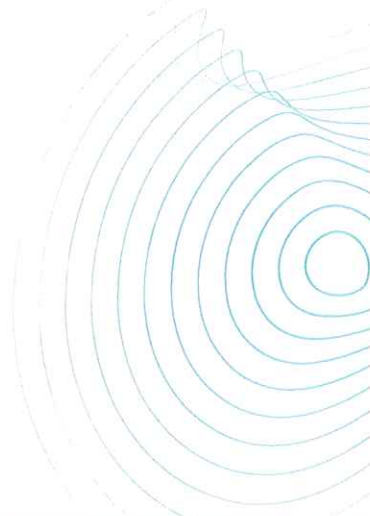
EXHIBIT "POC4"

Proprietors of Strata Plan No. 531

Statement

c/o P.O. Box 30082
Grand Cayman, KY1-1201

Bill To
Sandra Smith (H11)



Date	Amount Due	Enclosed
10/01/17	\$5,375.00	

Please make cheques payable to "Strata Plan No. 531"

Date	Description	Amount	Balance		
01/01/16	INV #DM122 INV #2515 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	1,600.00		
01/21/16	INV #2602 - Samson & McGrath Fee Note 25093 --- Legal Fees, 1 @ \$75.00 = 75.00	75.00	1,675.00		
02/01/16	INV #2640 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,000.00		
03/01/16	INV #2647 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,325.00		
04/01/16	INV #DM238 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,650.00		
05/01/16	INV #2641LF - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,975.00		
05/11/16	PMT - Payment -S Smith	-475.00	2,500.00		
06/01/16	INV #2677LF - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,825.00		
06/01/16	PMT #32 - Payment - S Smith	-700.00	2,125.00		
07/01/16	INV #2713	325.00	2,450.00		
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$425.00	\$325.00	\$0.00	\$325.00	\$4,300.00	\$5,375.00

Proprietors of Strata Plan No. 531

Statement

c/o P.O. Box 30082
Grand Cayman, KY1-1201

Bill To
Sandra Smith (H11)



Date	Amount Due	Enclosed
10/01/17	\$5,375.00	

Please make cheques payable to "Strata Plan No. 531"

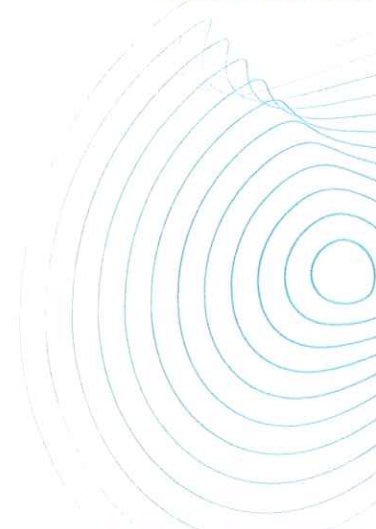
Date	Description	Amount	Balance		
08/01/16	INV #2713 INV #2749 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,775.00		
08/08/16	PMT - Payment - S Smith	-800.00	1,975.00		
09/01/16	INV #2785 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,300.00		
10/01/16	INV #2821 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,625.00		
11/01/16	INV #2857 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,950.00		
11/24/16	PMT - Payment S Smith	-800.00	2,150.00		
12/01/16	INV #2893 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,475.00		
12/31/16	Debt Management 2016 --- Debt Management \$100.00	100.00	2,575.00		
01/01/17	INV #2931 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	2,900.00		
02/01/17	INV #2967	325.00	3,225.00		
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$425.00	\$325.00	\$0.00	\$325.00	\$4,300.00	\$5,375.00

Proprietors of Strata Plan No. 531

Statement

c/o P.O. Box 30082
Grand Cayman, KY1-1201

Bill To
Sandra Smith (H11)



Date	Amount Due	Enclosed
10/01/17	\$5,375.00	

Please make cheques payable to "Strata Plan No. 531"

Date	Description	Amount	Balance		
02/06/17	INV #2967 PMT - Payment SSmith	-450.00	2,775.00		
03/01/17	INV #3003 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	3,100.00		
04/01/17	INV #3039 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	3,425.00		
05/01/17	INV #3075 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	3,750.00		
06/01/17	INV #3110 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	4,075.00		
07/01/17	INV #3143 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	4,400.00		
08/01/17	INV #3179 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	4,725.00		
09/01/17	INV #3213 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	5,050.00		
10/01/17	INV #3247 - Monthly Strata Fees --- Strata Fees, 1 @ \$325.00 = 325.00	325.00	5,375.00		
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$425.00	\$325.00	\$0.00	\$325.00	\$4,300.00	\$5,375.00