

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS



CAUSE NO. SC 223 OF 2017

BETWEEN:



THE PROPRIETORS, STRATA PLAN No. 608

PLAINTIFF

AND

TYRONE ROJAS

DEFENDANT



PLAINT

TO:

Tyrone Rojas  
Unit 12A  
Countryside Estates  
Butterfly Circle  
Savannah

**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 14<sup>th</sup> of November 2017

See overleaf for particulars of the plaintiff's claim.

This **PLAINT** was issued by McGrath Tonner, Attorneys-at-Law for the Plaintiff whose address for service and correspondence is 5<sup>th</sup> Floor Genesis Bldg, Genesis Close, P.O. Box 446 GT, George Town, Grand Cayman.

### PARTICULARS OF CLAIM

1. The defendant is the registered proprietor of the property situated at Block and Parcel 28C 531H1, Savannah, also known as Countryside Estates, Unit 12A within a residential development situated in Savannah, Grand Cayman and the subject of the Strata Plan No. 608.
2. The plaintiff is a body corporate consisting of a collection of all the Strata Proprietors contained within Strata Plan No. 608 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 by-laws.
5. Pursuant to by-law 33.3 of the plaintiff's registered by-laws, it is the defendant's obligation to make payments of the amounts determined by the Strata within 14 days of demand.

6. The plaintiff levied such contributions by way of monthly invoices sent to the defendant stating the payment due for that month. A copy of the last statement of account for the defendant is annexed to this Plaintiff.
7. The plaintiff is further entitled pursuant to by-law 33.3.2.1.1 to charge interest on all sums due and owing payable at the daily rate equivalent to 18% per annum from the time of default.
8. The defendant has failed to honour his obligation to make such payments and the defendant is in arrears in the amount of CI\$6,039.14 as at 1 November 2017.
9. The plaintiff claims monies due and owing of foot of the defendant's breach of contract, that contract being the Strata by-laws which exist and are legally enforceable as between the plaintiff and defendant pursuant to section 21 of the Law.
10. The plaintiff claims interest on the sums owing.

#### **STATEMENT REGARDING INTEREST**

- (a) The plaintiff seeks pre and post judgment interest from the 1 November 2017 in accordance with the by-laws at the rate of 18% per annum or alternatively 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 by-laws is 18% per annum.
- (c) The interest is claimed from 1 November 2017.
- (d) The amount of interest owing at the date of issue of this Plaintiff is CI\$41.58.
- (e) The amount of interest accruing each day following the issue of this Plaintiff is CI\$2.97.

**AND THE PLAINTIFF CLAIMS:**

- (i) The said sum of CI\$6,039.14.
- (ii) Pre and post judgment Interest on the said sum of CI\$6,039.14 in accordance with the Strata by-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 defendant pays to the plaintiff's Attorneys-at-Law the total amount claimed of CI\$6,039.14 (together with interest and costs of CI\$150) all further proceedings will be stayed.

Dated this 14<sup>th</sup> day of November 2017

McGrath Tonner

**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 defence 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)

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*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.

This PLAINT was issued by McGrath Tonner, Attorneys-at-Law for the Plaintiff whose address for service and correspondence is 5<sup>th</sup> Floor Genesis Bldg, Genesis Close, P.O. Box 446 GT, George Town, Grand Cayman.