

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO: SC 32 OF 2018

BETWEEN:

THE PROPRIETORS STRATA PLAN NO 155

Plaintiff

AND

(1) ANDRE CHRISTIE

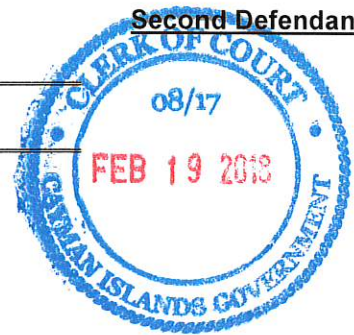
First Defendant

(2) ALTHEA POWERY

Second Defendant



PLAINT



TO:

Andre Christie and Althea  
Powery  
Unit #57, Randyke Gardens  
P.O. Box 308  
West Bay  
Grand Cayman KY1-1301  
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 Acknowledgment 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 16th day of February 2018

**See overleaf for particulars of the Plaintiff's claim**

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## PARTICULARS OF CLAIM

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1. The Plaintiff is a strata corporation consisting of all Strata Proprietors contained in Strata Plan No. 155 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 First and Second Defendants are individuals who reside in the Cayman Islands with a mailing address of P.O. Box 308, West Bay, Grand Cayman, KY1-1301, Cayman Islands. The Defendants are the registered proprietors of the property known and situate as Registration Section George Town East Block 20E Parcel No. 310H57, Randyke Gardens, Apartment No. 57 ("the Property"), a residential development subject of Strata Plan No. 155. Exhibited as "POC1" is a copy of the Cayman Islands Land Registry Search.
3. The Duties and Powers of Strata Plan No. 155 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. The amounts to be allocated for administrative expenses were determined by way of resolutions of the Executive Committee of the Plaintiff and approval of such resolutions were given at the Annual General Meeting of the Plaintiff.

6. In accordance with section 21 of the Law the control, management, administration, use and enjoyment of Strata Plan No. 155 must be regulated by Bylaws. The Bylaws state, *inter alia*, as follows:

*"41 A proprietor shall... (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot...(c) pay to the Corporation within 14 days of demand (i)all contributions to the fund for administrative expenses levied by the Corporation pursuant to Clause 6(2) of the Law; and (ii) such shares as shall from time to time be proportionate to the unit entitlement of the Strata Lots comprising Randyke Gardens of all and any costs and expenses incurred by the Corporation in connection with performance of its duties under the Law and under these Bylaws...(c)(ii)(A) in the event of any such payments not being made within 14 days of such demand he shall pay interest thereon at the rate of four percent (4%) per annum above the Prime Rate prevailing at Barclays Bank PLC, George Town, Grand Cayman."*

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

7. The interest rate applied to the outstanding debt was 4.5% per annum. The Plaintiff used Barclays Banks Base Rate taken from the Barclays UK website, which has been 0.50% from 2 November 2017. Exhibited as "**POC4**" is a copy of Barclays Bank Base Rate webpage.
8. The Defendants defaulted on their strata payments and as of 7 February 2018, owed to the Plaintiff is the principal sum of CI\$8,439.86. Interest on that sum continues to accrue at the rate of 4.5%. Exhibited as "**POC5**" is a copy of the Defendant's statement of account.
9. The Defendants have either failed or neglected to make full payment to the Plaintiff notwithstanding conversations between the Plaintiff's attorneys, HSM Chambers and the First Defendant in respect of the debt owed, the most recent being on 23 November 2017.
10. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

**AND THE PLAINTIFF claims:**

- a) CI\$8,439.86 being the principal sum due.
- b) CI\$351.02 Pre-judgment interest from 31 December 2016 to 7 February 2018 at the rate of 4.5% per annum in accordance with the terms of the Bylaws.

- c) Post-judgment interest from 8 February 2018 at rate of 4.50% per annum.
- d) C\$175.00 fixed costs.
- e) Such further and other relief as this Court may deem fit.

HSM Chambers

**HSM Chambers**  
Attorneys for the Plaintiff

## **INDORSEMENT**

The principal amount claimed in respect of the debt is CI\$8,439.86.00 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 Plaint, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

## **INDORSEMENT REGARDING INTEREST**

1. The contractual term upon which interest is claimed is as set out in paragraph 7 above.
2. The prescribed rate of interest is 4.50% per annum.
3. The date from which interest is payable is from 31 December 2016.

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B E T W E E N:

THE PROPRIETORS STRATA PLAN NO 155

Plaintiff

AND

(1) ANDRE CHRISTIE

First Defendant

(2) ALTHEA POWERY

Second Defendant

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**ACKNOWLEDGMENT OF SERVICE**

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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      2018.

**See overleaf**

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**PARTICULARS OF DEFENCE**

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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]*

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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.

**POC1**





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

*Strata Titles Registration Law (2013 Revision)*

- (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,

(2) On each phase strata plan (including the first), and on the complete strata plan, the unit entitlement to be assigned to each strata lot shall be that shown on the proposed strata lot development plan in respect of that strata lot.

20. Subject to this Part, the other provisions of this Law shall apply in respect of- Application of this Law

- (a) subdivisions of land into strata lots under this Part; and
- (b) phase strata plans and complete strata plans.

**PART VI - Management and Administration**

21. (1) Subject to this 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. Bye-laws

(2) The bye-laws shall include-

- (a) the bye-laws set forth in Schedule 1, which shall not be amended or varied except by super-majority resolution;
- (b) the bye-laws set forth in Schedule 2, which may be amended or varied by the corporation. Schedule 2

(3) Until bye-laws are made by a corporation in that behalf, the bye-laws set forth in Schedules 1 and 2 shall, as and from the registration of a strata plan, be in force for all purposes in relation to the relevant parcel and the strata lots and common property therein.

(4) No bye-law shall operate to prohibit or restrict the devolution of strata lots or any dealing therewith or to destroy or modify any easement implied or created by this Law.

(5) No amendment or variation of any bye-law shall have effect until the relevant corporation has lodged with the Registrar a notification thereof in such form as may be prescribed and until the Registrar notifies the corporation that he has made reference thereto on the relevant registered strata plan.

(6) Every corporation shall, on the application of a proprietor or any person authorised in writing by him, make available for inspection the bye-laws for the time being in force.

(7) Bye-laws for the time being in force shall bind every corporation and the proprietors to the same extent as if such bye-laws had respectively been signed and sealed by such corporation and each proprietor and contained covenants on the part of such corporation with each proprietor and on the part of

**POC3**

REGISTRATION: 87895

PLEASE NOTE

REF NO: S-2, NO: 155



LANDS & SURVEY DEPARTMENT  
P.O. BOX 1088,  
CAYMAN ISLANDS, B.W.I.

July 18th 1991

Raymond Gordon  
P.O. Box 536,  
Grand Cayman.

STRATA PLAN NO. 135

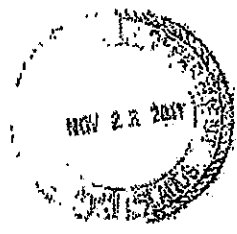
Pursuant to Section 15 (3) of the Strata Titles Registration Law  
Notice is hereby given that the By-laws of the above strata plan have  
been registered and that this has been recorded on the Strata Plan.

See S. 1/2

Dated July 18th 1991

REGISTRAR OF LANDS

cc. Stacey Campbell & Co.,  
P.O. Box 486,  
Grand Cayman.



- as afford access thereto;
- (a) the right to use in common with the Proprietors of all other Strata Lots and their visitors and guests the gardens, pleasure grounds, roads, drives, paths and passages forming part of the Common Property; and
  - (b) the sole right for himself or those expressly authorized by him on his behalf to park a motor vehicle in the parking lot bearing the same number as his Strata Lot.

PROPRIETORS' OBLIGATIONS

41. A Proprietor shall:-

- (a) permit the 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 purposes of maintaining, repairing or renewing Common Property; on the purpose of ensuring that the By-Laws are being observed;
- (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot;
- (c) pay to the Corporation within 14 days of demand:-
  - (i) all contributions to the fund for administrative expenses levied by the Corporation pursuant to clause 5(2) of the Act; and
  - (ii) such shares as shall from time to time be proportionate to the unit entitlement of the Strata Lot comprising Sandvick Gardens of all and any costs and expenses incurred by the Corporation in connection with the performance of its duties under the Act and under these By-Laws beginning always with:
    - (A) in the event of any such payments not being made within 14 days of such demand he shall pay interest thereon at the rate of four percent (4%) per annum above the prime rate prevailing at Barclays Bank Ltd, George Street, Strand, London for loans in United States Dollars at the time of default which such interest shall accrue from day to day until payment; and
    - (B) in the event any such payments (together with

interest accrued) not being made within 60 days of such demand or in the event of his becoming bankrupt or making composition with his creditors or being a corporation entering into liquidation then and in any of these events he shall and does hereby irrevocably authorize and permit the Corporation to enter into possession of his Strata Lot and further does hereby irrevocably appoint the Corporation to be the receiver of the rents and profits of this Strata Lot in cash until such time as the said payments (together with interest accrued) have been made by him to the Corporation;

- (d) repair and maintain his Strata Lot, and keep it in a state of good repair, reasonable wear, tear and damage by fire, storm, tempest or act of God excepted;
- (e) use and enjoy the Common Property in such manner as not unreasonably to interfere with the use and enjoyment thereof by other Proprietors or their employees or visitors;
- (f) 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 employee, guest or visitor of the occupier;
- (g) within 21 days of the date of every transfer, lease, grant of probate or administration, mortgage, charge, discharge, Order of the Court or other event or document relating to the Strata Lot give notice thereof in writing to the Corporation and in the case of a document send a copy thereof to the Corporation at its address referred to in the Strata Plan;
- (h) not use or permit to be used his Strata Lot for any purpose other than residential accommodation;
- (i) not permit or suffer to be done in or upon his Strata Lot anything whereby any insurance for the time being effected on the Common Property, the Strata Lot or any other Strata Lot or any part thereof may be rendered void or voidable or whereby the rate of premium may be increased;
- (j) in the year 1989 and in every succeeding fifth year paint with two coats of good and suitable paint in a workmanlike manner all parts of the Strata Lot usually or which ought to be painted and in addition grain, varnish, distemper, wash, scap, whiten and polish all such parts as are usually or which ought to be so treated and re-paper the parts (if any) now papered

POC4

# Barclays Bank Base Rate

Barclays Bank Base Rate typically follows the Bank of England Base Rate – but it is not guaranteed to do so.

## Current interest rates

The Bank of England Base Rate can go up or down and is announced by the Bank of England's Monetary Policy Committee regularly.

These interest rates are effective from 2 November 2017.

Barclays Bank Base Rate	Bank of England Base Rate
0.50	0.50

## Previous interest rates

Barclays Bank	Base rate	Base rate	Bank of England
04/08/16 - 01/11/17	0.25	0.25	04/08/16 - 01/11/17
05/03/09 - 03/08/16	0.50	0.50	05/03/09 - 03/08/16
05/02/09 - 04/03/09	1.00	1.00	05/02/09 - 04/03/09
08/01/09 - 04/02/09	1.50	1.50	08/01/09 - 04/02/09
04/12/08 - 07/01/09	2.00	2.00	04/12/08 - 07/01/09
06/11/08 - 03/12/08	3.00	3.00	06/11/08 - 03/12/08
08/10/08 - 05/11/08	4.50	4.50	08/10/08 - 05/11/08
10/04/08 - 07/10/08	5.00	5.00	10/04/08 - 07/10/08
07/02/08 - 09/04/08	5.25	5.25	07/02/08 - 09/04/08
06/12/07 - 06/02/08	5.50	5.50	06/12/07 - 06/02/08
05/07/07 - 05/12/07	5.75	5.75	05/07/07 - 05/12/07
10/05/07 - 04/07/07	5.50	5.50	10/05/07 - 04/07/07
11/01/07 - 09/05/07	5.25	5.25	11/01/07 - 09/05/07

## Further information

Find out (<https://www.barclays.co.uk/mortgages/base-rate-information-calculator/>) how changes to the base rate can affect your mortgage.

<a href="#">Contact us (/contact-us/)</a>	<a href="#">PPI Information (/important-information/ppi/)</a>	<a href="#">Security certification (/security/ISO27001certification/)</a>	<a href="#">Careers (http://jobs.barclays.co.uk/)</a>
<a href="#">Protect yourself from fraud (/security/)</a>	<a href="#">Barclays Overdraft (/current-accounts/bank-account/overdrafts/)</a>	<a href="#">Legal information (/important-information/)</a>	<a href="#">home.barclays (https://www.home.barclays/)</a>
<a href="#">Lost or stolen card (/security/card-fraud/)</a>	<a href="#">Service status (https://status.uk.barclays/)</a>	<a href="#">Accessibility (/accessibility/)</a>	<a href="#">Mortgage calculator (/mortgages/mortgage-calculator/)</a>
<a href="#">Help (/help/)</a>	<a href="#">Bank of England base rate (/important-information/bank-of-england-base-rate-change-2017/)</a>	<a href="#">Cookies (/important-information/cookies-policy/)</a>	<a href="#">Compare our loans (/loans/)</a>
<a href="#">Branch Finder (/branchfinder/)</a>		<a href="#">Privacy policy (/important-information/privacy-policy/)</a>	<a href="#">Current accounts (/current-accounts/)</a>

Barclays Bank PLC. Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority (Financial Services Register number: 122702). Barclays Bank PLC adheres to The Standards of Lending Practice which is monitored and enforced by The Lending Standards Board. Further details can be found at [www.lendingstandardsboard.org.uk](http://www.lendingstandardsboard.org.uk). Barclays Insurance Services Company Limited is authorised and regulated by the Financial Conduct Authority (Financial Services Register number: 312078).

Barclays Bank PLC. Registered in England. Registered no. 1026167. Barclays Insurance Services Company Limited. Registered in England. Registered no. 973765. Registered office for both: 1 Churchill Place, London E14 5HP. 'The Woolwich' and 'Woolwich' are trademarks and trading names of Barclays Bank PLC. Barclays Business is a trading name of Barclays Bank PLC.



**POC5**

**Unit #57 - Andre Christie & Althea Powery**  
**Dated February 7, 2018**

**RATE**  
**4.5%**

Month	Strata Maintenance	Insurance Premium	Payment	Net Balance	Days	Monthly Interest	Balance
Dec 31, 2016 - balance carried down							\$ 5,988.85
Jan-17	\$ 150.00	\$ -	\$ -	\$ 5,375.00	31	\$ 22.89	\$ 6,161.74
Feb-17	\$ 150.00	\$ -	\$ -	\$ 5,525.00	28	\$ 21.27	\$ 6,333.01
Mar-17	\$ 150.00	\$ -	\$ -	\$ 5,675.00	31	\$ 24.20	\$ 6,507.22
Apr-17	\$ 150.00	\$ -	\$ -	\$ 5,825.00	30	\$ 24.07	\$ 6,681.28
May-17	\$ 150.00	\$ -	\$ -	\$ 5,975.00	31	\$ 25.54	\$ 6,856.82
Jun-17	\$ 150.00	\$ -	\$ -	\$ 6,125.00	30	\$ 25.36	\$ 7,032.18
Jul-17	\$ 150.00	\$ -	\$ -	\$ 6,275.00	31	\$ 26.88	\$ 7,209.06
Aug-17	\$ 150.00	\$ -	\$ -	\$ 6,425.00	31	\$ 27.55	\$ 7,386.61
Sep-17	\$ 150.00	\$ -	\$ -	\$ 6,575.00	30	\$ 27.32	\$ 7,563.93
Oct-17	\$ 150.00	\$ -	\$ -	\$ 6,725.00	31	\$ 28.91	\$ 7,742.84
Nov-17	\$ 150.00	\$ -	\$ -	\$ 6,875.00	30	\$ 28.64	\$ 7,921.48
Dec-17	\$ 150.00	\$ -	\$ -	\$ 7,025.00	31	\$ 30.28	\$ 8,101.75
Jan-18	\$ 150.00	\$ -	\$ -	\$ 7,175.00	31	\$ 30.96	\$ 8,282.72
Feb-18	\$ 150.00	\$ -	\$ -	\$ 7,325.00	7	\$ 7.15	\$ 8,439.86
							<b>\$ 8,439.86</b>

Please pay Strata fees into the Strata's bank account with CNB

Name on Acc: **Strata Plan No. 155**

Acc Number: **011 13072**