IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC 182 OF 2018

COURT OF SUMMARY JURISDICTION · CAYMAN ISLANDS · 11/17

BETWEEN	*PAULINE MULLINGS*	*PLAINTIFF*
AND	*MELODY MULLLINGS-BROWN (aka MELANIE MULLINGS-BROWN)*	*DEFENDANT*

CLERK OF COURT · 14/17 · AUG 28 2018 · CAYMAN ISLANDS GOVERNMENT

PLAINT

CIVIL REGISTRY PAYMENT · $25 · AUG 28 2018 · 305574 · CAYMAN ISLANDS GOVERNMENT

To the Defendant

Melody Mullings-Brown 12 Theresa Drive George Town, 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, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating 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 default Judgment without any further notice to you.

Issued this 17th day of August 2018

See overleaf for particulars

PARTICULARS OF CLAIM

1. The Plaintiff is a resident of the Grand Cayman Island and was at all material times the owner and landlord of property being Apartment #5, 12 & 14 Kensington Close, George Town, Grand Cayman and is the mother of the Defendant.

2. The Defendant is the daughter of the Plaintiff and was at all material times a Tenant of the Plaintiff's aforesaid property.

3. By an oral agreement made between the parties it was a term of the agreement that in lieu of paying rent the Tenant would contribute the sum of CI$500.00 per month to the cost of utility services in respect of the said property.

4. It was a further term of the said agreement that the Defendant was to keep the property properly maintained.

5. The Defendant has failed to abide by the said terms and stipulations and on the 5th day of March 2018 the Plaintiff caused a formal Demand Letter to rectify the situation to be written to the Defendant. The said letter was delivered to the Defendant on or about the 26th day of March 2018.

6. Despite receipt of the said letter the Defendant has failed to make any payments or keep the property properly maintained as was agreed to be between the parties and in consequence of the said failure the Plaintiff served Notice to Quit on the Defendant on or about the 11th day of April 2018 requiring her to vacate the property on or before the 1st day of June 2018.

7. The Defendant has failed to comply with the said Notice to Quit and the Plaintiff now seeks an Order for her removal from the said property.

AND THE PLAINTIFF CLAIMS:
(a) An Order of Evictions against the Defendant
(b) Costs

Murray & Westerborg
Attorneys-at-Law for the Plaintiff

Plaintiff's address for service:

Murray & Westerborg The Second Floor (South West Wing) Cayman Shipping Centre Building 10 Shipping Lane George Town, Grand Cayman

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF PLAINT

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

   After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also complete and serve the Particulars of Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Plaint, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the Particulars of Defence are not filed and served within 14 days of the time for acknowledging receipt of the Plaint.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a dent or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states in answer to Question 3 in the Acknowledgment of Service, that he intends to seek time to pay the claim or that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution or seeking time to pay, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.

2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".

4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.

8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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AND	*MELODY MULLLINGS-BROWN (aka MELANIE MULLINGS-BROWN*	*DEFENDANT*

ACKNOWLEDGEMENT OF SERVICE

1. State Defendants 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 to pay the claim?
   ( ) yes ( ) no

4. If you intend to contest the action, in whole or part, you must set out full particulars of your defence overleaf.

Service of the Plaint is acknowledged accordingly.

_____
Defendant's Signature

Dated this day of 1998

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.