

IN THE SUMMARY COURT AT GEORGE TOWN



CAUSE NO. SC 249 OF 2018

BETWEEN: David Roy Mont Jackson PLAINTIFF

AND: Junior A. Fisher DEFENDANT



PLAINT



To: Junior A. Fisher, 89 Riley Circle, Newlands, P O Box 295, Grand Cayman KY1-1501, 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 on 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, Grand Cayman KY1-1106, CAYMAN ISLANDS**, the accompanying **Acknowledgment of Service** form stating therein whether you intended to contest this action. If you intend to defend that 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 5 day of December 2018.

See overleaf for particulars of the Plaintiff's claim.

STATEMENT OF CLAIM

1. The Plaintiff provided Defendant with price of \$3,390 to complete the clearing of land and loading of debris at a job located at the head of Barkers (Conch Point Road) in West Bay. This price was verbally agreed with Defendant (correspondence via What's App messages attached as tab "I" as no formal agreement was signed).
2. Job was completed a day earlier than expected, due to working longer days over a two-day period (job was estimated to take three days to complete).
3. Formal invoice was provided to Defendant (invoice # 703; see attached tab "II") after completion of work.
4. When payment was received via the post, it was in the amount of \$2,680.00 (see attached tab "III" copy of the cheque received).
5. After contacting the Defendant, the Defendant stated that in his opinion the job took two days to complete, therefore no further payment would be issued.
6. The Plaintiff tried collection efforts through the Cayman Islands National Credit Bureau Ltd. but on 31 October 2018 was advised that Mr. Fisher would not pay the outstanding balance. It was suggested that this matter be taken to the Small Claim Courts avenue (see attached tab "IV" correspondence from the Cayman Islands National Credit Bureau Ltd).

The Plaintiff now claims:

1. As efforts to claim the outstanding balance of \$710 have been futile, the Plaintiff is requesting that this balance be paid by the Defendant by 31-Jan-2019 in full.
2. The legal/administrative cost of this Claim to be paid in full by the Defendant.



Plaintiff



Junior

last seen yesterday at 10:57 PM



Tue, 2 Oct

I charge 135 for the machine I forgot your trucks use the truck fast as I clear it put in truck I think maybe 3 to 4 day I would say 3390 if we can finish in 3 day

8:16 PM

Ok will provide a quote to them

7:29 PM

Ok thanks

8:30 PM

Mon, 22 Oct

When will I get payment for clearing?

2:59 PM

Send me a invoice

3:10 PM

So I can submit to them

3:07 PM

Will u still be hammering tomorrow?

3:01 PM

Yes

3:02 P



What's your email address?





P.O. Box 351
 Grand Cayman KY1-1501
 CAYMAN ISLANDS

Invoice

Date	Invoice #
10/22/2018	703

Phone #	345-916-5499	E-mail	eexcavating@candw.ky
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Bill To
Mr. Junior Fisher Newlands Grand Cayman Cayman Islands

Location
West Bay

Date	Description	Hours	Rate	Amount
Oct-2018	Usage of Excavator to clear land and load debris; quote given of \$3,390		3,390.00	3,390.00

Total	\$3,390.00
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Thank you for your business. Please make cheques payable to EXTREME EXCAVATING LTD.

Payments/Credits	\$0.00
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Balance Due	\$3,390.00
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THIS DOCUMENT IS A BY FIFTEEN (15) SECURITIES

RELIABLE GARDENING LANDSCAPE
P. O. BOX 295
GRAND CAYMAN KY1-1502
TEL: 1 (345) 925-6070

IMAGED

85

DATE 26/10/2018
D D M M Y Y Y Y

PAY TO THE ORDER OF

Extreme Excavating Ltd \$ *2,680.00*

Two thousand six hundred & Eighty dollars

CAYMAN ISLAND DOLLARS  Security Features included. Details on back.



Royal Bank (Cayman) Limited
Main Branch
Grand Cayman, Cayman Islands



[Signature]

*2 days Excavator work
& Delivery of Excavator*

⑈0000085⑈ ⑆06975⑈003⑆ 113⑈822⑈1⑈

Extreme Excavating

From: Cora Grant <cora.grant@cincb.ky>
Sent: Wednesday, October 31, 2018 12:06 PM
To: Extreme Excavating
Subject: RE: DEBT COLLECTION SERVICE AGREEMENT

Good morning:

We have spoken to Mr. Fisher who is sticking with his story and won't pay.

Please take this matter to small claim courts; it's only \$25 to register the case .

You can download the templates at no cost.

This might prompt him to pay.

Regards,

Cora Grant James

Cayman Islands National Credit Bureau Ltd

Box 10553 APO
Unit #3, 185 Elgin Avenue
George Town, Grand Cayman, Cayman Islands
Email: cincb@candw.ky
345-949-3777
345-745-3778

From: Extreme Excavating <eexcavating@candw.ky>
Sent: Tuesday, October 30, 2018 5:24 PM
To: Cora Grant <cora.grant@cincb.ky>
Cc: eexcavating@candw.ky
Subject: RE: DEBT COLLECTION SERVICE AGREEMENT

Dear Ms. Cora,

Please see attached as requested.

Not sure if I completed the "Authorized Persons to Represent the Creditor" section on page 2 of the Application Form correctly – grateful if you can confirm.

See below a synopsis of this case:

A price in the amount of \$3,390 was given to Junior Fisher to complete land clearing and loading of debris. It was estimated to take 3 – 8 hour days (via What's App communication). My husband worked on this job 2 – 12 hour days and left the machine for the third day so that they could decide if anything further needed to be completed. He was told to remove the machine, thereby completing the job. We have received payment in the amount of \$2,680 (a difference of \$710).

Grateful if you can contact Mr. Fisher in an effort to resolve the outstanding funds.

Thank you for your assistance in this matter.

Warm regards,
Melanie

-----Original Message-----

From: Cora Grant <cora.grant@cincb.ky>
Sent: Tuesday, October 30, 2018 3:28 PM
To: EEEXCAVATING@CANDW.KY
Subject: DEBT COLLECTION SERVICE AGREEMENT

Good afternoon:

In order to hand over the account please complete the attached Notice to Collect form in its entirety.

Please find attached our debt collection service agreement . Please fill out page 2 and email back to us.

As a matter of courtesy we will reach out to the individual to see what they have to say about the matter, bearing in mind that we do not handle disputes.

Regards,

Cora Grant

Cayman Islands National Credit Bureau Ltd.
185 Elgin Avenue, Suite #3
P.O. Box 10553
Grand Cayman KY1-1005
CAYMAN ISLANDS
Tel: (345) 949-3777
www.cincb.ky

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, P.O. Box 495, Grand Cayman KY1-1106, CAYMAN ISLANDS within 14 days of receipt otherwise a default judgment may be entered against you.