IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC 106 OF 2019

BETWEEN: THE PROPRIETORS OF STRATA PLAN 547 **PLAINTIFF**

AND: PHILLIP A. HAYNES **FIRST DEFENDANT**

AND: SANDRA HAYNES

PLAINT

TO THE DEFENDANTS:

Phillip A. Haynes & Sandra Haynes
28 Lantern Point
Prospect
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 the 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, KY1-1106 the accompanying Acknowledgment of Service stating therein whether you intend to contest this action. If you intend to defend this 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 further notice to you.

Issued this 5th day of March 2019.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

THIS PLAINT is issued by Campbells, Attorneys the Plaintiff, whose address for service is Floor 4, Willow House, Cricket Square, George Town, Grand Cayman (Ref: KAH/15317-27386)

1722636-1

PARTICULARS OF CLAIM

1 At all material times, the Plaintiff was and is a strata corporation established under the Cayman Islands Strata Titles Registration Law (2013 Revision) ("the Law"), being the condominium development known as Lantern Point.

2 The Defendants, at all material times, were and remain the registered owners of one of the Strata lots at Lantern Point, being Block 23C, Parcel 99REM1H28 known as Unit 28 Lantern Point ("the Property").

3 The control, management, administration, use and enjoyment of the Strata lots and the common property contained in the registered strata plan of the Plaintiff is regulated by its Strata By-laws ("the By-laws").

4 Pursuant to By-law 61.2, it is the Defendants' obligation to pay to the Plaintiff all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot and pursuant to By-law 61.3 it is the Defendants' obligation to pay, *inter alia*, all contributions to the fund for the Strata budget levied by the Plaintiff and his due proportion of all other costs and expenses incurred by the Plaintiff in connection with the performance of its duties under the Law and the By-laws within 5 days of the beginning of each month or within 5 days of demand.

5 The Plaintiff levies such contributions by way of monthly invoices sent to the Defendants stating the payment due for that month which are payable in arrears.

6 Despite repeated demand by the Plaintiff, the Defendants have failed, refused and/or neglected to make payment of any, or all, of the contributions levied by the Plaintiff.

7 As at 4 March 2019, pursuant to By-laws 61.2 and 61.3, the Defendant was justly and truly indebted to the Plaintiff in the sum of **CI$8,192.00**.

THIS PLAINT is issued by Campbells, Attorneys the Plaintiff, whose address for service is Floor 4, Willow House, Cricket Square, George Town, Grand Cayman (Ref: KAH/15317-27386)

8 By reason of the Defendant's breach of the By-Laws and by reason of her failure to pay the contributions levied (as set out above), the Plaintiff has suffered loss and damage.

AND THE PLAINTIFF CLAIMS:

(1) Judgment against the Defendants in the sum of **CI$8,192.00;**

(2) Costs on an indemnity basis.

(3) Such further and/or other relief as this Honourable Court deems appropriate.

CAMPBELLS
Attorneys-at Law for the Plaintiff

THIS PLAINT is issued by Campbells, Attorneys the Plaintiff, whose address for service is Floor 4, Willow House, Cricket Square, George Town, Grand Cayman (Ref: KAH/15317-27386)

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC OF 2019

BETWEEN:	**THE PROPRIETORS OF STRATA PLAN 547**	**PLAINTIFF**
AND:	**PHILLIP A. HAYNES**	**FIRST DEFENDANT**
AND:	**SANDRA HAYNES**	

ACKNOWLEDGEMENT OF SERVICE

1. State Defendant's name and address -

_____

2. State whether the Defendant intends to contest the action (*tick appropriate box*)
   [ ] yes [ ] no

_____

3. If you do not intend to contest the action, do you want time in which to pay the claim? (*tick box*)
   [ ] 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 Plaint is acknowledged accordingly

_____
Defendant's Signature

Dated this____ day of _____ 2019

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

NOTES ON ADDRESS FOR SERVICE

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Campbells Attorneys-at-Law P.O. Box 884 Floor 4, Willow House Cricket Square George Town, Grand Cayman Ref: KAH/15317-27386

Indorsement by defendant's Attorney (or by defendant if acting in person) of his name, address and reference, if any, in the box below.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

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 495, George Town, Grand Cayman

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings ***must also serve a defence*** on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

   If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

   If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant

   If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

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 debt 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 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, 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 installments 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 his 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.