

IN THE SUMMARY COURT AT GEORGE TOWN



Cause No. SC 113 of 2019

BETWEEN:

THE PROPRIETORS, STRATA PLAN NO. 312

PLAINTIFF

AND:

ROBERT WHITTAKER

DEFENDANT



PLAINT



To: The Defendant
Robert Whittaker
Apartment # 29, Hope Springs
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 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 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 a **default judgment** without any further notice to you.

Issued this 17 day of May 2019


See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. The plaintiff is a body corporate established under the Strata Titles Registration Law ("the Law") and is capable of bringing proceedings by virtue of section 5(1) of the Law.
2. The defendant was at all material times the registered proprietor of property George Town South Block 14D Parcel 99H34 being a Strata Lot within the plaintiff strata.
3. The control, management, administration, use and enjoyment of the Strata Lot and the common property contained in the registered strata plan of the plaintiff is regulated by the plaintiff's bye-laws.
4. By virtue of section 21(7) of the Law, the bye-laws of a Strata in force at any time shall bind the owners of units at the plaintiff strata including the defendant.
5. Pursuant to bye-law 4.3 of the registered bye-laws of the Strata it is the defendant's obligation to pay within thirty-one (31) days of demand charges and outgoings assessed by the plaintiff in order for the plaintiff to comply with its duties and obligations to insure the Strata units and to control, manage and administer the common property.
6. The plaintiff levied charges and assessments by way of monthly invoices sent to the defendant stating the payment due for the month and the cumulative debt at that time.
7. Despite repeated demand by the plaintiff, the defendant has failed or refused to make payment to the contributions assessed and levied by the plaintiff.
8. As at 30 April 2019, the defendant is indebted to the plaintiff in the principal sum of CI\$9,283.35 and a statement showing a breakdown of the debt by dated invoice and amount is attached to the particulars of claim.
9. Statement regarding interest
 - a. The Plaintiff seeks pre and post judgment interest at the rate of 12% per annum from 30 April 2019 to the date of payment pursuant to bye-law 4.3(i) in accordance with the contract terms and the provisions of the Judicature Law.
 - b. Interest is calculated in accordance with bye-law 4.3(i) at the rate of 12% per annum principal sum due and owing.
 - c. The current interest rate claimed is 12%.
 - d. Interest is claimed on the sum claimed from the date of issue of the Plaintiff.
 - e. The amount of interest owing as at the issue of the Plaintiff is \$0.
 - f. The amount of interest accruing each day following the issue of this Plaintiff is CI\$3.05

AND THE PLAINTIFF CLAIMS:

- i. The said sum of CI\$9,283.35 as monies due and owing.
- ii. Pre and post judgment Interest from the date of issue of Plaintiff and interest accruing thereafter on the said sum at \$2.95 daily until payment.
- iii. Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service



KSG Attorneys-at-Law
Attorneys for the Plaintiff

If within the time for returning Acknowledgement of Service the Defendants pay to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$9,283.35 and all filing fees and all interest claimed all further proceedings will be stayed.

Plaintiff's address for service

4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town, KY1-1107

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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 _____, 20____

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.