

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FAMILY DIVISION**

CAUSE NO: FAM ¹⁸⁷ OF 2019
LACV 0023/2019

BETWEEN:

JAMAL MITCHELL FORBES

PETITIONER

AND

SELENY ENCARNACION

RESPONDENT

PETITION



The Petition of JAMAL MITCHELL FORBES shows:

1. That on the 28th day of October 2016 in George Town, Grand Cayman, Cayman Islands, the above-named Petitioner was lawfully married to the above-named Respondent and at the time of the said marriage the marital status of the parties was as follows:
 - i. The Petitioner was single;
 - ii. The Respondent was single.
2. That, following the celebration of the said marriage, the parties last lived and cohabited together at the following place:-

28 Candover Street, Bodden Town, Grand Cayman, Cayman Islands.
3. That the Court has jurisdiction in the above cause by reason that both parties are domiciled in the Cayman Islands at the time of filing this suit.
4. That since the celebration of said marriage -

PARTICULARS OF UNREASONABLE BEHAVIOUR

- a. The parties have ceased communicating effectively and their sense of being husband and wife has gone from the relationship;
- b. Trust issues had developed between the parties and the Petitioner felt that the Respondent was not willing to show compromise;
- c. The domestic situation had been strained for some time and the Petitioner and the Respondent would constantly argue which sometimes required involvement of the Royal Cayman Islands Police;
- d. Due to the issues in the relationship, the Petitioner left the marital home in August 2018 and the parties have lived separate and apart ever since;
- e. The Petitioner is of the view that there are fundamental and irreconcilable differences between them, and these differences are as a result of the Respondent's unreasonable behaviour.

THIS PETITION is filed by KSG Attorneys-at-Law, Attorneys for and on behalf of the Petitioner whose address for service is, 4th Floor Harbour Centre, 42 North Church Street, George Town, Grand Cayman KY1-1107

5. There is one child of the marriage as defined in the Law, namely Callie Jamaris Forbes (D.O.B. 19th December 2017).
6. The Petitioner's proposals for the upbringing of the child of the marriage are that she reside primarily with the Petitioner and the Respondent shall have such contact as the parties may agree between them. The Petitioner also invites the Court to make such child maintenance orders on such terms as can be agreed or as the Court may deem appropriate.
7. There are no real assets/liabilities to be divided.

THE PETITIONER THEREFORE PRAYS:

- (i) That the said marriage be dissolved.
- (ii) That ancillary matters be adjourned to Chambers (if not agreed).
- (iii) No order as to Costs.

DATED this 27th day of June 2019



KSG Attorneys-at-Law
Attorneys for the Petitioner

To: The Clerk of the Court

And to: SELENY ENCARNACION (The Respondent)

NOTE that under Rule 11 of The Matrimonial Causes Rules, 2005, notice of your intention to defend may be given by:-

- (a) An endorsement on the Acknowledgment of Service;
- (b) By notice of such intention lodged in the Registry within 14 days of the service of this Petition; or
- (c) At any time by leave of the Court prior to the date fixed for trial.

CAYMAN ISLANDS
CERTIFIED COPY of MARRIAGE REGISTER

No.	When Married	Name and Surname	Condition	Calling	Age	District and Residence at the time of Marriage	Father's Name and Surname
915	28 October 2016	Jamal Mitchell Forbes	Never Married	Solid Waste Assistant	29	28 Candover Street, Bodden Town, Grand Cayman, Cayman Islands	Mitchell T. Forbes
		Seleny Encarnacion	Never Married	Nail Technician	24	39 Templeton Street, George Town, Grand Cayman, Cayman Islands	Mauricio Encarnacion

Married at 31 Shedden Road in the District of George Town by (or before) me, Marquiss R. McLaughlin, a Marriage Officer of the Cayman Islands.

This Marriage was celebrated between us Jamal Mitchell Forbes in the presence of us Mitchell Forbes
Seleny Encarnacion Vanessa Cruz

Certified to be a true Copy of the Entry No. 915 in the Register Book of Marriages solemnized by (or before) Marquiss R. McLaughlin, a Marriage Officer of the Cayman Islands.

Given at the GENERAL REGISTER OFFICE, GEORGE TOWN, GRAND CAYMAN, under the Seal of the said Office this day 24 June 2019


for REGISTRAR GENERAL
Cindy B. Diaz Garcia



**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF DIVORCE PETITION**

IF YOU INTEND TO INSTRUCT AN ATTORNEY TO ACT FOR YOU GIVE HIM THIS FORM IMMEDIATELY.

1. The accompanying form of Acknowledgment of Service should be completed by an attorney acting on behalf of the Respondent or by the Respondent if acting in person.
2. After completion it must be signed by the Respondent and his attorney (if any) and must be delivered or sent by post to the Law Courts, PO Box 495 GT, George Town, Grand Cayman.
3. The Acknowledgment of Service must be filed at Court and served on the attorney for the Petitioner (or on the Petitioner if acting in person) within fourteen days after service of the Petition.
4. A Respondent who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve an Answer on the attorney for the Petitioner (or on the Petitioner if acting in person) within fourteen days after service of the Petition.
5. The Petition will be treated as an "undefended petition" in respect of which a decree of divorce may be pronounced without the need for any hearing in open Court unless an acknowledgment of service form in which you have stated an intention to defend has been filed at the Court office within fourteen days of service of the Petition.
6. In the case of Petitions served outside the Cayman Islands the periods within which the Respondent must file an Acknowledgment of Service and any Answer are extended by fourteen days.

Please complete overleaf

BETWEEN:

JAMAL MITCHELL FORBES

PETITIONER

AND

SELENY ENCARNACION

RESPONDENT

ACKNOWLEDGMENT OF SERVICE

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

1. Have you received the Petition for divorce (and a copy of supporting affidavit) delivered with this form?

Yes

No

2. On what date did you receive it? _____

3. Are you the person named as the Respondent/Co-Respondent in the Petition?

Yes

No

4. Do you intend to defend the case?

Yes

No

5. *(In the case of a Petition alleging two years separation coupled with the Respondent's consent to a decree being granted)* Do you consent to a decree being granted?

Yes

No

6. *(In the event of the Petition being proved either on the basis of two (2) years' separation coupled with the Respondent's consent, or on the basis of five (5) years' separation).* Do you intend to apply to the Court for it to consider your financial position as it will be after the divorce?

Yes

No

7. *(In any case in which there are children of the family)* Even if you do not intend to defend the suit, do you object to the Petitioner's claim for custody and seek to make your own application for custody of the children?

Yes

No

Not applicable

Even if you do not object the Petitioner's claim for custody, do you intend to make an application for access to the children?

Yes

No

Not applicable

Service of the Petition is acknowledged accordingly

Dated: _____

RESPONDENT

RESPONDENT'S ATTORNEY

Notes on address for service

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

Respondent in person: where the Respondent/Co-Respondent is acting in person, he must give her 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.

Indorsement by Petitioner's attorney (or by the Petitioner if suing in person) of his name and address in the box below.

KSG Attorneys-at-law
4th Floor Harbour Centre
42 North Church Street
PO Box 2255
Grand Cayman
KY1-1107
Cayman Islands

Indorsement by Respondent's attorney (or by the Respondent if acting in person) of his name and address in the box below.

[Empty box for Respondent's attorney indorsement]