

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION



CAUSE NO. G123/2019

BETWEEN: BELINDA SEYMOUR

PLAINTIFF

AND: DONNA MARIE REID

DEFENDANT



WRIT OF SUMMONS

THIS WRIT OF SUMMONS 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 Writ 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 these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 25th day of July 2019

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. The Plaintiff is resident in New York, USA but is a naturalised British Overseas Territories Person through ancestry as both her natural parents were Caymanian.
2. The Defendant is the sister of the Plaintiff and is the Administratrix of the estate of their late father, George Howard Seymour, who died intestate in 1988. The Defendant is also Administratrix of the estate of Vernel Seymour, the parties' deceased mother who died intestate in New York, USA on February 3, 1996.
3. The Plaintiff is beneficiary of a share of one half of the estate of the late George Howard Seymour and one fourth of the estate of the late Vernel Seymour. The Plaintiff is also a beneficiary of the estate of her grandfather George Sherman Seymour.
4. The other beneficiaries, apart from the Plaintiff and Defendant, are another sister living in the Cayman Islands, Barbara Reid, and the children of a deceased brother, George Brennon Seymour, who passed in 1999.
5. The Defendant in her capacity as Administrator of the estates of both the deceased mother and father of the parties has breached her fiduciary duty to the Plaintiff and other beneficiaries by repeated failure to distribute income from the sale of estate property.

6. To the Plaintiff's knowledge, property stemming from the estate of the late George Howard Seymour, George Sherman Seymour and Vernel Seymour include:
 - George Town Central Block 14C Parcel 117
 - George Town East Block 19E Parcel 221 REM 1
 - George Town East Block 19E Parcel 40
 - George Town East Block 19E Parcel 222
 - George Town East Block 19E Parcel 244

7. In approximately December 2016 estate property registered at George Town East Block 19E Parcel 221 REM 1 was sold for the sum of CI\$5,125,000.00. The estate's share of the proceeds was approximately CI\$540,972.22. The Plaintiff estimated that her share of the proceeds would be approximately CI\$180,000.00. The Defendant initially offered that sum, CI\$180,000.00, to the Plaintiff, but despite receiving the sums in her capacity as Administratrix, the Defendant failed to make any distributions to the Plaintiff whatsoever.

8. Subsequent to the sale, in approximately November/December 2016, the Plaintiff verbally demanded of the Defendant that her share of the proceeds be paid. The Defendant to date has not made any payments and has not provided any accounting for sums received.

9. The Plaintiff confirms the offer made to her by the Defendant as she received a letter in approximately January 2017 which offered to pay a 33% share in the proceeds of sale for George Town East Block 19E Parcel 221 REM. The offer of the 33 per cent share was valued by the Defendant at CI\$180,000.00 but as set out above, the Defendant has failed or neglected to make any payments to the Plaintiff to the date of filing hereof.

10. In addition to the matter of the distribution of cash proceeds in relation to George Town East Block 19E Parcel 221 REM 1, the Defendant has asserted through legal Counsel that the Defendant is the only beneficiary of the estate of the deceased mother, Vernel Seymour, as both Plaintiff and Barbara Reid had signed documents giving the Defendant their share of estate assets.
11. The Plaintiff claims that the Defendant has acted fraudulently in asserting this claim and has breached the trust inherent in her role as Administratrix. The circumstances surrounding the documentation relied upon by the Defendant include that the Plaintiff was approached by the Defendant in approximately July 2006 to sign documents pertaining to their late mother's estate which would enable her to make improvements to the New York family home. The Plaintiff placed unwavering trust in the Defendant's statements and signed the documents presented to her. Plaintiff did not take legal advice on the documentation and relied solely on the inducements made by the Defendant that the documents presented were only for the purpose of facilitating the Defendant's attempts to renovate the property. It was never understood that the documents would be relied upon in support of a claim to relinquish all rights and interest in the late mother's estate.
12. The Plaintiff knows of no reason to support why she would relinquish all her interest in the estate to the Defendant and asserts that the Defendant made fraudulent or misleading inducements to her in these circumstances. The Plaintiff made no agreement with the Defendant that she would assign her interest in the estate and knows of no reason why she would agree to such a proposal.

13. The Plaintiff has discovered that the New York property has been sold for the approximate sum of US\$1, 250,000.00 and the Plaintiff has not received any benefit from the proceeds of that sale.
14. The Plaintiff seeks redress in this jurisdiction in relation to the Defendant's maladministration of the estate of their late mother. A Grant of Letters of Administration has been made by this Grand Court to the Defendant.
15. Estate property includes George Town Central Block 14C Parcel 117 located at 455 Shedden Road, George Town. This is property formerly owned by the parties' late father and subsequently transferred to their late mother. The Defendant claims that the late mother transferred the property to her prior to her death. To the Plaintiff's knowledge however, the Defendant has transferred this property to herself in her capacity as Personal Representative of the mother's estate. By so doing the Defendant has abused her office of Administratrix and her actions have defrauded the estate.
16. Further abuse of the obligations of being the Administratrix of the estate occurred when the Defendant transferred the property registered at George Town Central Block 14C Parcel 117 to her daughter.
17. At the time of filing this Writ, the Plaintiff knows that another sale of estate property has taken place in June 2019. This concerns property located in the vicinity of North Sound Road and the estimated sale price is CI\$2,500,000.00. The family's share of the sale proceeds is approximately CI\$262,717.78. The Defendant has not communicated with the Plaintiff in any manner and the Plaintiff has reasonable belief that the Defendant will withhold her share of the estate proceeds if this honourable court does not give her some redress.

18. Fuller particulars of the estate property will be provided to this honourable court in preparation for trial.

AND THE PLAINTIFF CLAIMS:

1. The Defendant to provide an inventory of the estate as well as an accounting of estate funds.
2. Payment in the sum of CI\$180,000.00 outstanding on Plaintiff's share of the proceeds of the sale of George Town East Block 19E Parcel 221 REM 1.
3. Payment of sums to represent Plaintiff's interest in the sale of North Sound property George Town East Block 19E Parcel 40 and any other property sold by the Defendant in her capacity as Administratrix.
4. Rectification of the register to George Town Central Block 14C Parcel 117 to include the Plaintiff as co-proprietor.
5. Such further and other relief as this Honourable Court deems fit
6. Costs

Dated this 25th day of July 2019



Stacy Thompson
Attorney-at-Law for the Plaintiff

This **Writ of Summons and Statement of Claim** are filed by Stacy Thompson, Attorney-at-Law for and on behalf of the Plaintiff, whose address for service is 2nd Floor, Zephr House, 122 Mary Street, P.O Box 12133 George Town, Grand Cayman KY1-1010, Cayman Islands.

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

| | | |
|-----------------|-------------------------|------------------|
| BETWEEN: | BELINDA SEYMOUR | CAUSE NO. |
| | | PLAINTIFF |
| AND: | DONNA MARIE REID | DEFENDANT |

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

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

Important: Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside

1. State the full name and address of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged -

2. State whether the Defendant intends to contest the action (*tick appropriate box*)

yes

no

3. If the claim against the Defendant is for a debt or a liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*) -

yes

no

Service of the Writ is acknowledged accordingly

Defendant's signature/ Attorney for Defendant's signature

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 acts 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 principal office.

Indorsement by Plaintiff's Attorney in the box below.

Stacy Thompson
Attorney at Law
2nd Floor, Zephr House
122 Mary Street, George Town
P.O. Box 12133
Grand Cayman KY1-1010
E: stacythompson@candw.ky

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

DIRECTIONS FOR

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.