



No. 1  
Plaint



IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 223 of 2019

BETWEEN:

Sheeryn Asghari

Plaintiff

AND:

Leif Barkinge

1<sup>st</sup> Defendant

AND:

Sonya Barkinge

2<sup>nd</sup> Defendant

To the Defendant:-

Name: Leif and Sonya Barkinge  
Address: Calypso Cove, 80 Town Hall Road, West Bay Road & P.O. Box 411, Boggy Sand Road, West Bay, Grand Cayman KY1-1302, 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 of this Plaintiff 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 20<sup>th</sup> day of Nov. 2019

See overleaf for particulars of the Plaintiff's claim

## PARTICULARS OF CLAIM

(Here set out in numbered paragraphs, the grounds upon which the Plaintiff claims that the Defendant is indebted to her or is liable to pay damages to her).

1. My mother, Edelgard Weiss made a loan of C\$8,000.00 to Sonya Barkinge in March, of 2001 with an interest of back payment of five percent (5%) and to which payment were made sporadically but not as agreed.
2. Despite several requests the repayments were never consistent which led to an accumulation of interests so much so that lead to a second agreement been signed in December of 2013 as an updated contract from the original agreement.
3. The updated contract committed by agreement that Leif Barkinge and Sonya Barkinge repay the loan and monies due in full to my mother, Edelgard Weiss or to me, her daughter, Sheeryn Asghari, in the event of her passing. Exhibit hereto copy updated contract as **Exhibit SA-1**
4. That following on the updated contract signed by the Defendants on the 2<sup>nd</sup> December, 2013 my mother died in February, 2014 leaving the responsibility to collect the outstanding debt now C\$9,970.40 to me as per the attached updated contract.
5. That repayment continued to be sporadic, never consistent, following the updated contract.
6. The interest on the loan continued to increase overtime along with the gradual increase of the loan amount itself. I have attached copy letter outlining the history of the loan and expenses incurred in trying to get the monies paid over to me. The mentioned copy letter is hereto attached as **Exhibit SA-2**
7. To outline as proof of the monies owing I have attached herewith a running balance sheet of the debt amount that presently remains owing by the Defendants up to March, 2019. The mentioned balance sheet is hereto attached as **Exhibit SA-3**
8. That the amount presently due and owing and is being claimed for in this Plaint is C\$9,970.40
  
9. Before proceeding to suit I wrote a 'Final Notice before Legal Action' to the Defendants as a final request for payment of the full amount owed as the outstanding loan. See attached as **Exhibit SA-4**

AND the Plaintiff claims:

- 1 The sum of CI\$9,970.40
  
- 1 Fixed costs of \$150.00 + \$25.00 filing fee alternatively costs to be assessed.



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Plaintiff's Signature

Plaintiff's address for service

**Name: Sheeryn Asghari**

**Address: 3610 E Vivian Circle, Palm Springs  
CA 92262, USA**

**No. 2**

**Acknowledgment of Service**

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC \_\_\_\_\_ of 2019

**BETWEEN:**

**Sheeryn Asghari**

**Plaintiff**

**AND:**

**Leif Barkinge**

**1<sup>st</sup> Defendant**

**AND:**

**Sonya Barkinge**

**2<sup>nd</sup> Defendant**

**ACKNOWLEDGMENT OF SERVICE**

1 State Defendant's name and address –

**Name: Leif and Sonya Barkinge**  
**Address: Calypso Cove, 80 Town Hall Road, West Bay Road & P.O. Box 411, Boggy Sand Road, West Bay, Grand Cayman KY1-1302, Cayman Islands**

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 not 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 \_\_\_\_\_, 2019

**See Overleaf to Continue Defence (if required)**

**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).

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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.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN  
CIVIL DIVISION**

**CAUSE NO. SC OF 2019**

<b>Between</b>	<b>Sheeryn Asghari</b>	<b>Plaintiff</b>
<b>And</b>	<b>Leif Barking</b>	<b>1st Defendant</b>
<b>And</b>	<b>Sonya Barking</b>	<b>2nd Defendant</b>

This is Exhibit marked and referred to in my Affidavit as:-

**Exhibit SA – 1**

  
**Sheeryn Asghari**

Sworn to before me at:

*see  
attachment  
10/9/19  
sd.*

---

**NOTARY PUBLIC**

**CALIFORNIA JURAT**  
(CALIFORNIA GOVERNMENT CODE § 8202)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF Riverside

Subscribed and sworn to (or affirmed) before me on this 9<sup>th</sup> day of October, 2019,  
by Sheeryn Asghari, proved to me on the basis of  
*(Name of Signer(s))*  
satisfactory evidence to be the person(s) who appeared before me.



Stacey Ann Daugherty  
*Signature of Notary Public*

(Notary Seal)

**ADDITIONAL OPTIONAL INFORMATION**

**Description of Attached Document.**

Title or Type of Document: lawsuit grand cayman Document Date: 10/9/19

Number of Pages: 4 Signer(s) Other Than Named Above: \_\_\_\_\_

Additional Information: \_\_\_\_\_

December 2, 2013

## AGREEMENT ON REPAYMENT OF LOAN

This document is an addendum contract from the original agreement which was signed by Scott B. Bode and Edeigard Weiss on 03/23/2001 in the amount of \$8,000.00.

The original agreement was signed by Scott B. Bode and Edeigard Weiss on 03/23/2001 in the amount of \$8,000.00 and was assigned to Edeigard Weiss or Sheryl A. Grant in the event of Edeigard's passing.

The initial date of the loan March 23, 2001 in the amount of \$8,000.00 carried interest at 5 % per year.

Please find attached the schedule chronicling the amount due.

The current outstanding amount due as of March 23, 2013 is \$ 12,666.05 U.S. dollar with interest ongoing.

The undersigned agree to the repayment of this loan in full to Edeigard Weiss and recognize this as a contract that binds them or their kin in the event of their passing to honor this debt.



Scott B. Bode

Scott B. Bode


**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN  
CIVIL DIVISION**

**CAUSE NO. SC OF 2019**

<b>Between</b>	<b>Sheeryn Asghari</b>	<b>Plaintiff</b>
<b>And</b>	<b>Leif Barking</b>	<b>1st Defendant</b>
<b>And</b>	<b>Sonya Barking</b>	<b>2nd Defendant</b>

This is Exhibit marked and referred to in my Affidavit as:-

**Exhibit SA – 2**

  
\_\_\_\_\_  
**Sheeryn Asghari**

Sworn to before me at:

*See  
Attachment  
10/9/19  
sd.*

\_\_\_\_\_  
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(Name of Signer(s))  
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Stacey Ann Daugherty  
Signature of Notary Public

(Notary Seal)

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Number of Pages: 4 Signer(s) Other Than Named Above: ---

Additional Information: ---

Dear Sir or Madam,

The amount due my Mother on this loan, inception date of March 23, 2001, had been largely ignored by the debtors until her death in February, 2014.

In January 2019, approaching 5 years since her passing, I sent an email to the Barkings requesting a solid payment plan be put in place to pay off this loan by the end of the year. I noted the outstanding balance was too high to ignore and despite previously received payments begun in 2014 (appreciated but sporadic) that it needed committed addressing.

I received an ineloquent reply with an offer to settle, of which I found unsatisfactory.

My counter offer went ignored and the debtors became unresponsive. I proceeded to issue a Letter Before Action to formally request payment within 30 days of receipt.

Well after 30 days of their receipt of that letter I received an email with the same offer from the debtors, with accusatory and boorish language. I again stated my counter offer which was again ignored.

My Mother drew up the contract in 2013 which was signed by the debtors to ensure even after her death that her hard earned money was rightfully returned with 5% annual interest as per the agreement. She wanted to ensure they were held fully accountable for the full amount. She was deeply troubled by this situation which was further exasperated when in 2007 the debtors purchased a 3 bedroom 3 bath home with pool at 6802 Eastbrook Drive in Spring Hill Florida. Meanwhile, she had yet to receive one payment towards the outstanding loan due her. Furthermore, they are the owners and proprietors of Calypso Cove a thriving 7 unit guesthouse rental in West Bay.

I am declaring this case to the court with all applicable evidence I have to support the situation and with great hopes justice is served and they are held fully accountable for full repayment of this loan. It was their active choice to not repay this loan in a timely manner while being fully aware of its terms.

I very much appreciate the courts help with this matter. I was my Mother's best friend and caretaker when she became ill in 2008. We travelled together several times to Grand Cayman, always with this balance sheet in tow.

Grand Cayman Island was my Mothers favorite place on earth. She was truly beloved by many persons there, and was a frequent contributor to the Cayman Compass newspaper. She loved the islands deeply. She was a woman of impeccable moral character and truly a supportive and positive advocate for the beautiful place the Cayman Islands continues to be.

Sincerely,

Sheeryn Asghari


**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN  
CIVIL DIVISION**

**CAUSE NO. SC OF 2019**

<b>Between</b>	<b>Sheeryn Asghari</b>	<b>Plaintiff</b>
<b>And</b>	<b>Leif Barking</b>	<b>1st Defendant</b>
<b>And</b>	<b>Sonya Barking</b>	<b>2nd Defendant</b>

This is Exhibit marked and referred to in my Affidavit as:-

**Exhibit SA – 3**

  
\_\_\_\_\_  
**Sheeryn Asghari**

Sworn to before me at:

*See  
attachment  
10/9/19  
sd.*

\_\_\_\_\_  
NOTARY PUBLIC

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COUNTY OF Riverside

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by Sheeryn Asghari, proved to me on the basis of  
*(Name of Signer(s))*  
satisfactory evidence to be the person~~s~~ who appeared before me.



Stacey Ann Daugherty  
*Signature of Notary Public*

(Notary Seal)

\_\_\_\_\_**ADDITIONAL OPTIONAL INFORMATION**\_\_\_\_\_

**Description of Attached Document**

Title or Type of Document: lawsuit grand canyon Document Date: 10/9/19

Number of Pages: 4 Signer(s) Other Than Named Above: \_\_\_\_\_

Additional Information: \_\_\_\_\_

SCHEDULE OF OUTSTANDING LOAN DUE

EDELGARD WEISS/ SHEERYN ASGHARI

**2001-present**

**March 23, 2001**

\$8,000.00 C.I.

**2002** 5% annual interest \$400.00

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**\$8,400.00**

**2003** 5% \$420.00

---

**\$8,820.00**

**2004** 5% \$441.00

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**\$9,261.00**

**2005** 5% \$463.50

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**\$9,724.50**

**2006** 5% \$486.25

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**\$10,210.75**

<b>2007</b> 5%	\$510.54
	<b>\$10,721.29</b>
Amount paid 6/4/07	(\$820.00) US \$
	672.40 CI deducted from total
	<b>\$10,048.89</b>
<b>2008</b> 5%	\$502.44
	<b>\$10,551.33</b>
<b>2009</b> 5%	\$527.56
	<b>\$11,078.90</b>
<b>2010</b> 5%	\$553.94
	\$11,632.84
Amount paid 4/29/10	(\$628.39) US\$
	514.96 C.I deducted from total
	<b>\$11,117.88</b>
<b>2011</b> 5%	\$555.89
	<b>\$11,673.77</b>
<b>2012</b> 5%	\$583.68
	<b>\$12,257.45</b>
<b>2013</b> 5%	\$612.87
	<b>\$12,870.32</b>

**2014** 5%

\$643.51

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**\$13,513.83**

Amount paid

(700.00)US 7/30/14 = \$574 CI

(300.00)US 8/28/14 = \$246 CI

(300.00) US 10/15/14 = \$246 CI

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(400.00) US 1/30/15 = \$328 CI

(300.00) US 3/24/15= \$246 CI

Deducted \$1640 C.I. amount from total

Balance

\$11,873.83 C.I.

**2015** 5%

\$593.69

Balance

**\$12,467.52 C.I.**

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(300.00) US\$ 7/22/15 = \$246 CI

(300.00) US\$ 8/31/15 = \$246 CI

Balance

\$11,975.52 C.I.

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(300.00) US\$ 10/9/15 = 246 CI

(300.00) US\$ 11/18/15 = 246 CI

**11/2015 Balance**

**\$11,483.52 C.I**

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**2016**

(300.00) US\$ 1/19/16 =246 CI

(300.00) US\$ 2/18/16 = 246 CI

**2/2016 Balance** **\$10,991.52 C.I**

---

3/2016 5%interest \$549.57

**Balance** **\$11, 541.09 C.I**

---

payments (300.00) US\$ 3/17/16 =246 CI

(300.00) US\$ 4/19/16 =246 CI

**5/2016 Balance** **\$11, 049.09 C.I**

---

payments (300.00) US\$ 5/20/16 =246 CI

(200.00) US \$ 6/26/16 = 164 CI

(200.00) US \$ 7/25/16 = 164 CI

(200.00) US \$ 11/17/16 = 164 CI

**Ending balance 2016** **\$10,311.09 C.I**

## 2017

(300.00) US \$ 1/23/17 = 246 CI

**Balance** **\$10,065.09 C.I.**

---

March 2017 5% interest \$503.25

**Balance 3/2017** **\$10,568.34 C.I.**

payments	(250.00) US 3/16/17 = 205 CI
	(250.00) US 5/20/17= 205 CI
	(250.00) US 7/21/17= 205 CI
	(250.00) US 10/17/17= 205 CI
	(300.00) US 12/16/17= 246 CI
<b>Ending Balance 2017</b>	<b>\$ 9,502.34 C.I.</b>

## 2018

payments	(250.00) US 1/25/18 = 205 CI
	(300.00) US 3/4/18 =246 CI
<b>March 2018 5% interest</b>	<b>\$452.57</b>
<b>Balance March 2018</b>	<b>\$9,954.91</b>
	(300.00) US 4/6/18 = 246 CI
	(300.00) US 5/15/18 = 246 CI
<b>Balance May 2018</b>	<b>\$9,462.91</b>
	(300.00) US 6/24/18 = 246 CI
	(300.00) US 8/20/18= 249 CI (.83 C.I.)
<b>Balance August 2018</b>	<b>\$8,967.91 C.I.</b>
	(300.00)US 11/19/18= 250.04 (.83 C.I.)
<b>Balance November 2018</b>	<b>\$8,717.87 C.I.</b>

March 2019 5% interest

\$435.90

Balance March 2019

\$9,153.77 C.I. (\$10,983.91 USD)

\$1 US = \$.82 C.I

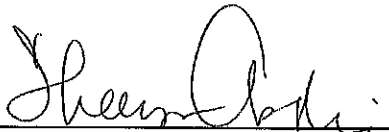
**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN  
CIVIL DIVISION**

**CAUSE NO. SC OF 2019**

<b>Between</b>	<b>Sheeryn Asghari</b>	<b>Plaintiff</b>
<b>And</b>	<b>Leif Barkinge</b>	<b>1st Defendant</b>
<b>And</b>	<b>Sonya Barkinge</b>	<b>2nd Defendant</b>

This is Exhibit marked and referred to in my Affidavit as:-

**Exhibit SA – 4**

  
\_\_\_\_\_  
**Sheeryn Asghari**

Sworn to before me at:

*See  
Attachment  
10/9/19  
sd.*

\_\_\_\_\_  
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Stacey Ann Daugherty  
*Signature of Notary Public*

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

**Description of Attached Document**

Title or Type of Document: lawsuit grand cayman Document Date: 10/9/19

Number of Pages: 4 Signer(s) Other Than Named Above: —

Additional Information: —

April 1, 2019

## FINAL NOTICE BEFORE LEGAL ACTION

Leif and Sonya Barkingge  
West Bay PO Box 411  
1302 KY1 Grand Cayman  
6802 Eastbrook Dr.  
Spring Hill, FLA 34606

Dear Leif and Sonya Barkingge,

Unfortunately, my numerous attempts to resolve the payment of this loan have gone ignored and I have no further options but to proceed with the following letter before action.

This letter serves as a **final request** for payment of the full amount owed on the outstanding loan to Edelgard Weiss (deceased) and Sheeryn Asghari .

Full payment of the current debt owed of **\$10,461.57 C.I** (\$9,601.07 USD) is formally requested here within **30 days** upon receipt of this letter dated April 1.

If full payment is not received within 30 days the matter will be filed with the Summary Court on Grand Cayman Island, where further court expenses will be imposed on the amount owed.

Enclosed is the running balance sheet of the debt as it stands through March 2019.

It is with great hopes this can be resolved outside the courthouse for the sake of both parties.

Sincerely,

Sheeryn Asghari

3610 E Vivian Circle

Palm Springs, CA 92262

646.750.8798