

IN THE SUMMARY COURT AT GEORGE TOWN



CAUSE No. SC 11 of 2020

BETWEEN: THE PROPRIETORS OF STRATA PLAN 429

PLAINTIFF

AND: MELLANIE YVONNE ALEXANDER

DEFENDANT



\_\_\_\_\_  
PLAINT  
\_\_\_\_\_



TO: Mellanie Yvonne Alexander  
5 Birch Tree Villas  
West Bay  
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 Complaint 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 16<sup>th</sup> day of January 2020

**See overleaf for particulars of the Plaintiff's claim**

## **PARTICULARS OF CLAIM**

1. The Plaintiff is a strata corporation established under the Cayman Islands Strata Titles Registration Law (2013 Revision) ("the Law"), being a condominium development known as Birch Tree Villas ("the Strata"). The Strata is capable of bringing proceedings by virtue of section 5(1) of the Law.
2. The Defendant, at all material times, is and was the registered owner of one of the Strata lots, being Block 4B, Parcel 631H5 known as Unit 5 Birch Tree Villas ("the Property").
3. Pursuant to Article 21(3) of the Law, the bye-laws set forth in Schedules 1 and 2 to the Law are in force and by virtue of section 21(7) of the Law these bye-laws bind the owners of units at the Plaintiff strata including the Defendant and the Plaintiff itself.
4. In accordance with section 1(d) of Schedule 1 it is the Defendant's duty to make payment of all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Property.
5. The Plaintiff levied charges and assessments against the Defendant's Property for contributions for administrative expenses and in breach of the written bye-laws, the Defendant has failed or refused to make payment to the contributions assessed and levied by the Plaintiff.
6. As at 14 January 2020, the Defendant was indebted to the Plaintiff in the principal sum of CI\$3,428.25.

## **STATEMENT REGARDING INTEREST**

7. The Plaintiff seeks pre and post judgment interest from the date of issue of proceedings at the rate of 2 $\frac{3}{8}$ % per annum on the unpaid balance until payment and in accordance with the provisions of the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
8. The interest rate claimed is 2 $\frac{3}{8}$ % per annum.
9. Interest is claimed on the sum claimed from the date of issue of the Plaintiff.
10. The amount of interest owing as at the issue of the Plaintiff is CI\$0.00.
11. The amount of interest accruing each day following the issue of this Plaintiff is CI\$0.22.

**AND THE PLAINTIFF CLAIMS:**

1. The said sum of CI\$3,428.25 as monies due and owing.
2. Pre and post judgment interest from the date of issue of the Plaint and interest accruing thereafter on the said sum at CI\$0.22 per day until payment.
3. Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service.

KSG

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**KSG  
Attorneys for Plaintiff**

**Endorsement**

If within the time for returning the Acknowledgement of Service the Defendant pays to the Plaintiff's Attorneys the total amount claimed of CI\$3,428.25 and all filing fees and all interest claimed all further proceedings will be stayed.

Plaintiff's address for service:

4 <sup>th</sup> Floor Harbour Centre 42 North Church Street PO Box 2255 George Town, KY1-1107
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**IN THE SUMMARY COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. SC OF 2020**

**BETWEEN: THE PROPRIETORS OF STRATA PLAN 429 PLAINTIFF**  
**AND: MELLANIE YVONNE ALEXANDER DEFENDANT**

**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 \_\_\_\_\_, 2020

**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.