

IN THE SUMMARY COURT AT GEORGE TOWN
CIVIL DIVISION

CAUSE NO. SC 32 OF 2020

BETWEEN:

THE PROPRIETORS OF STRATA PLAN 211

Plaintiff



JANWANDA EVANS-WEAKLEY

Defendant

PLAINT

To the Defendant:

Janwanda Evans-Weakley
15 Forest Haven
46 Forest Lane
Prospect
PO Box 495
Grand Cayman, KY1-1106
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 **Plaint** on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495 GT, 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 Acknowledgment of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgment of Service form containing full particulars of your defense, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this 18th day of February 2020


See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Plaintiff is and was at all material times a Strata Corporation registered under the Strata Titles Registration Law 1973, or any statutory modification or reenactment thereof ("**Law**"), as Strata Plan Number 211, known as "**Forest Haven**", located in Prospect, Grand Cayman Cayman Islands.
2. The Defendant is and was at all material times the sole legal proprietor of the strata lot known as "**Unit 15**" at Forest Haven.
3. Pursuant to Clause 36(3)(a) of the By-Laws ("**By-Laws**"), the Defendant agreed to pay to the Plaintiff, within 30 days of demand, all apportioned contributions ("**Strata Fees**") to a fund for administrative expenses levied by the Plaintiff pursuant to Section 6(2) of the Law, the purpose of which is to provide funds for the control, management and administration of the common property, for the payment of insurance premiums and for the discharge of any other obligation of the Plaintiff.
4. Apportioned contributions being such share as shall from time to time be proportionate to the unit entitlement which his strata lot bears to Forest Haven and any costs and expenses incurred by the Plaintiff in connection with its duties under the Law and/or the By-Laws.
5. At all material times the Plaintiff has sent monthly statements for Strata Fees ("**Strata Statements**") to the Defendant by email.
6. The Defendant has failed to pay to the Plaintiff the Strata Fees which the Plaintiff has duly levied and demanded, in full or at all. The Defendant continues to default on payment of the Strata Fees and, as such, the debt continues to increase.
7. The Defendant owes the Plaintiff the sum of CI\$17,325.00 in respect of Strata Fees levied up to and including January 2020.
8. Further, the Plaintiff claims interest on the sum unpaid at the rate of 9.75% per annum from the due date to the date of issue of this claim until judgment or earlier payment, such interest having been provided for in clause 36(3)(b)(i) of the By-laws and the rate varied to 9.75% per annum in 2007 with notice of this rate given to the Defendant and the Defendant indicating acceptance thereof by making payments to the Plaintiff thereafter.
9. The Plaintiff also claims costs pursuant to the Rule 11 of the Summary Court Rules 2004.

AND the Plaintiff Claims:

1. The sum of CI\$17,325.00.
2. Interest as set out in paragraph 8 above.
3. Costs as set out in paragraph 9 above.



PRIESTLEYS
Attorneys for the Plaintiff

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO. SC OF 2020

BETWEEN:

THE PROPRIETORS OF STRATA PLAN 211

Plaintiff

AND:

JANWANDA EVANS-WEAKLEY

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

Please 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, P.O. Box 495GT, George Town, Grand Cayman, Cayman Islands within 14 days of receipt otherwise a default judgment may be entered against you.