



No. 1
Plaint



IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 87 of 20 20

BETWEEN:

Diana M. Linton

Plaintiff

AND:

Carlus Kelly

Defendant



To the Defendant

Pines Rd., George Town – Mr. Kelly operates his mobile car washing business on this street, between the main entrance to the emergency room at George Town Hospital and the Pines Retirement Home, Cayman National Bank Parking Lot on Mondays and Fridays and various location on other days.

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 3rd day of July 2020

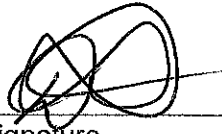
See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. February 2018 the Plaintiff rented a room to the Defendant, located at 52 Wicker Lane, Smith Road Villas, George Town. Rent was \$600 per month. Please see attached copy of rental agreement.
2. The Defendant vacated the premises on the 29th January 2019, owing over \$4258 in rent.
3. Late fees at \$10 per day from April – January, in the sum of \$2930.
4. Cleaning of his bedroom and common area at a cost of \$25 per month for 8 months which is equal to \$200.
5. Recovery of cost to file this claim. Please see attached receipts.
6. The Defendant has acknowledged owing me monies. Please see attached copy of police record.
7. The Defendant has paid \$600 on February 10th, 2019. Please see copy of attached receipt.
8. I have tried to collect the rest of the money owing to me but have not been successful in doing so.
9. I am seeking the courts help in recovering monies owed to me the Plaintiff by the defendant
10. **On the 27th September 2019 the matter was heard in Summary court. See attached document.**
11. **Defendant was ordered to pay CI \$100.00 per week, starting Friday October 4th, 2019 and CI \$100.00 every week until the judgment debt and interest and cost are paid in full.**
12. **Plaintiff was told to return defendant's property. Property was returned.**
13. **The Defendant complied with the payment of the \$100.00 every week up to March 28th, 2020.**
14. **The Defendant has made it so difficult for me every week when he is to pay.**
 - i. Calling my phone during work hours, which I have asked him not to do (I teach).
 - ii. When I do answer, he is verbally abusive.
 - iii. I have had to call the police a few times.
 - iv. It has been very distressing.
15. **The last payment the Defendant made was on March 28th, 2020. See attached receipts.**
16. **The defendant has not made any attempts to speak to me regarding payment since, no phone calls, no text messages, no visits.**
17. **Plaintiff is aware of the measures put in place by the Cayman Islands Government due to Covid-19 but some measures were lifted in April and one such measure was mobile car washing.**
18. **Plaintiff has witnessed Defendant washing cars between the main entrance to the emergency room at George Town Hospital and the Pines Retirement Home and has also witnessed him washing cars at several other locations.**
19. **The defendant has acquired a new car wash bus and has since ordered another which should be in his possession by now. He has also applied for and has gotten his pension refund.**
20. **I am seeking the courts assistants in recovering monies owed to me the Plaintiff by the Defendant.**
21. **Due to the difficulties endured which was stated in number 14, Plaintiff is seeking the approval of the Court to have money paid in full.**

AND the Plaintiff claims:

- 1 The sum of \$4565.45.
- 2 Interest in the sum of \$108-66, calculated at the prescribed rate from 27-03-2020 to date and continuing.
- 3 Cost to be taxed or agreed.



Plaintiff's Signature

Plaintiff's address for service

52 Wicker Lane
Smith Road Villas
George Town
Grand Cayman

No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20 _____

Between: Diana Linton
Plaintiff

AND: Carlus Kelly
Defendant

ACKNOWLEDGMENT OF SERVICE

4 State Defendant's name and address -

Carlus Kelly - Pines Rd., George Town – Mr. Kelly operates his mobile car washing business on this street, between the main entrance to the emergency room at George Town Hospital and the Pines Retirement Home, Cayman National Bank Parking Lot on Mondays and Fridays and various location

5 State whether the Defendant intends to contest the action.

Yes No

6 If you do not intend to contest the action, do you want time in which to pay the claim?

Yes No

7 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 _____, 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.

SUMMARY COURT

Cause No. SC 121/2019

BETWEEN:

DIANA M LUNION

PLAINTIFF

AND

CARLUS KELLY

DEFENDANT

SC 0121/2019

~~D/E am of J.D. - 30th August 2019 @ 10am vacated~~

D/E am of J.D. - 27th September @ 10am

Am 27/9/19 Bette Pauls MNE

Debt pay of \$100.00 to plaintiff
Debt to pay CI \$100.00 per week to
plaintiff starting Friday 3rd Oct, 2019
and CI \$100.00 every week until
the judgment debt and interest and
costs are paid in full
Plaintiff to return debt's property

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NO. _____

DATE March 28, 2020

RECEIVED FROM Carlus Kelly


One Hundred DOLLARS

for rent owed

Account Total \$ 4665.45

Amount Paid \$ 100.00

Balance Due \$ 4565.45

Signature 

FROM:

NO. _____

DATE April 3, 2020

RECEIVED FROM Carlus Kelly

One Hundred DOLLARS

for rent owed

Account Total \$ 4565.45

Amount Paid \$ —

Balance Due \$ 4565.45

Signature 

TO:

NO. _____

DATE April 10, 2020

RECEIVED FROM Carlus Kelly


One Hundred DOLLARS

for rent owed

Account Total \$ 4565.45

Amount Paid \$ —

Balance Due \$ 4565.45

Signature 

DEPARTMENT:

NO. _____

DATE April 1, 2020

RECEIVED FROM [scribble]

[scribble] DOLLARS

[scribble]

Account Total \$ [scribble]

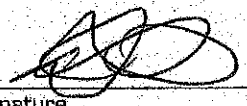
Amount Paid \$ [scribble]

Balance Due \$ [scribble]

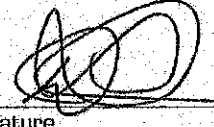
Signature 

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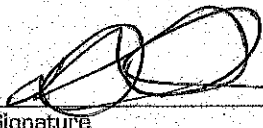
No Show!
No Call!
NO. _____
DATE May 8, 2020
RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed

Account Total \$ 4565.45
Amount Paid \$ _____
Balance Due \$ 4565.45 
Signature


No Show!!
No Call!!
NO. _____
DATE May 15, 2020
RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed

Account Total \$ 4565.45
Amount Paid \$ _____
Balance Due \$ 4565.45 
Signature

No show!!
No Call!!
NO. _____
DATE May 22, 2020
RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed.

Account Total \$ 4565.45
Amount Paid \$ _____
Balance Due \$ 4565.45 
Signature

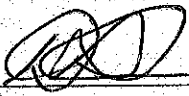
No Show!!
No Call!!
NO. _____
DATE May 29, 2020
RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed.


Account Total \$ 4565.45
Amount Paid \$ _____
Balance Due \$ 4565.45 
Signature

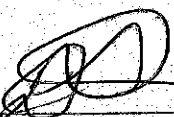
FROM:
TO:
DEPARTMENT:


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FROM: TO: DEPARTMENT:

NO. _____
 No communication DATE June 5, 2020
 RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed.
 Account Total \$ 4565.45
 Amount Paid \$ _____
 Balance Due \$ 4565.45 Signature 

NO. _____
 DATE June 13, 2020
 RECEIVED FROM [Signature]
[Signature] DOLLARS
[Signature]
 Account Total \$ [Signature]
 Amount Paid \$ [Signature]
 Balance Due \$ _____ Signature 

NO. _____
 No communication DATE June 12, 2020
 RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed
 Account Total \$ 4565.45
 Amount Paid \$ _____
 Balance Due \$ 4565.45 Signature 

NO. _____
 No Communication DATE June 19, 2020
 RECEIVED FROM Carlus Kelly
One Hundred DOLLARS
for rent owed
 Account Total \$ 4565.45
 Amount Paid \$ _____
 Balance Due \$ 4565.45 Signature 

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NO. _____

DATE June 26, 2020

RECEIVED FROM Carlus Kelly


One Hundred DOLLARS

for rent owed.

Account Total \$ 4565.45

Amount Paid \$ _____

Balance Due \$ 4565.45

Signature 

FROM:

NO. _____

DATE July 3, 2020

RECEIVED FROM Carlus Kelly


One Hundred DOLLARS

for rent owed

Account Total \$ 4565.45

Amount Paid \$ _____

Balance Due \$ 4565.45

Signature 

TO:

NO. _____

DATE _____

RECEIVED FROM _____

_____ DOLLARS

Account Total \$ _____

Amount Paid \$ _____

Balance Due \$ _____

Signature _____

DEPARTMENT:

NO. _____

DATE _____

RECEIVED FROM _____

_____ DOLLARS

Account Total \$ _____

Amount Paid \$ _____

Balance Due \$ _____

Signature _____