

IN THE GRAND COURT OF THE CAYMAN ISLANDS



In the Matter of The Partition Law (1997 Revision)

BETWEEN:

GEMMA McLAUGHLIN

PLAINTIFF

AND:



JOHN KELLY

DEFENDANT

ORIGINATING SUMMONS



TO:

John Kelly

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of Gemma McLaughlin c/o KSG Attorneys at Law, 4th Floor Harbour Centre, George Town, Grand Cayman, the Plaintiff seeks the following relief of the Court:

1. An order that the property known as Apt 4, Omega Gardens Apartment registered at Block 24 Parcel 137H4 be sold and the proceeds distributed subject to the following conditions:
 - 1.1. The plaintiff's attorneys-at-law shall have carriage of sale.
 - 1.2. The parties shall agree a valuation of the property within 14 days, failing which a valuation report shall be prepared by a valuator to be agreed between the parties. If no agreement can be reached as to the valuator, then the valuation report shall be prepared by DDL Studio.
 - 1.3. The property be listed for sale at the agreed valuation or the valuation specified in the valuation report plus 10% through a CIREBA realtor or privately.
 - 1.4. The property be sold for the first offer made at or above the valuation price.
 - 1.5. Should no such offer be made within 3 months of listing, the property be sold for no less than 85% of the valuation price within 6 months of listing.

- 1.6. Should no such offer be made within 6 months of listing, the property be sold for no less than 75% of the valuation price.
 - 1.7. The defendant shall have the first option to purchase the property and shall exercise the option to purchase within 30 days of listing, subject to conditions 2.3 to 2.5 above.
 - 1.8. The parties shall execute all documents necessary to effect the sale of the property within 7 days of receipt, failing which the Clerk of Court shall execute the documents on that party's behalf.
2. That the net proceeds of sale be used to repay the mortgage and other debts associated with the property and any remainder be divided equally between the parties.
 3. Such other orders and relief as the court deems appropriate including as to costs.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 6 day of August 2020



KSG Attorneys-at-Law
Attorneys for the Plaintiff

NOTE - This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2020

In the Matter of The Partition Law (1997 Revision)

BETWEEN:

GEMMA McLAUGHLIN

PLAINTIFF

AND:

JOHN KELLY

DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)
yes no

Service of the Originating Summons is acknowledged accordingly

.....

[Attorney] for
[Defendant in person]

Address for service:
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 is acting 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.

Please complete overleaf

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

KSG Attorneys at Law
4th Floor Harbour Centre
42 North Church Street
P.O. Box 2255
KY1-1107

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

