

No. 1

Plaint

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 1324 of 2020

(1) BETWEEN:

Stephen Reynold Wright

Plaintiff

AND:

Garcia Barbara

Defendant

To the Defendant

Garcia Barbara  
No.4 Hope view Apartments, 21 July Street, Windsor Park,  
George Town, Cayman Islands *cell 321-7298*

THIS PLAINT has been issued against your 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, 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 *5<sup>th</sup>* day of *November* 20*20*

See overleaf for particulars of the Plaintiff's claim

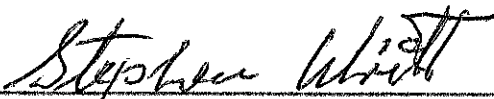
### PARTICULARS OF CLAIM

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

- Mrs. Garcia Barbara who is a tenant in my property at the above address has caused contamination of the property's storm well by dumping kitchen waste in it; this had caused a foul stench and created a fungus called Mites. The cost to clean the storm well is CI \$300.00.
- The proof of the incident was recorded in the CCTV camera installed on the property and was provided to them on a CD.

AND the Plaintiff claims:

- 1 The sum of \_\_\_ CI \$300.00 \_\_\_\_\_.
- 1 Interest in the sum of \$ \_\_\_\_\_ calculated at the prescribed rate from to date.
- 2 Fixed costs of \$ \_\_\_\_\_, alternatively costs to be assessed.

  
\_\_\_\_\_  
Plaintiff's Signature

Plaintiff's address for service

Stephen Reynold Wright  
No.8 Hope view Apartments, 21 July Street, Windsor Park,  
George Town, Cayman Islands.  
Cell phone : 1-345-926 5434

## Acknowledgment of service of Plaintiff

### DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF PLAINT

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also complete and serve the Particulars of Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Plaintiff, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the Particulars of Defence are not filed and served within 14 days of the time for acknowledging receipt of the Plaintiff.
3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states in answer to Question 3 in the Acknowledgment of Service, that he intends to seek time to pay the claim or that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution or seeking time to pay, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

*See over for notes for guidance*

## 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. 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.
3. 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 Writ of Summons*)".
4. 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.
5. 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.
6. 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.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE SUMMARY COURT AT GEORGETOWN

CAUSE NO. SC \_\_\_\_ OF 20\_\_

BETWEEN:

STEPHEN REYNOLD WRIGHT

PLAINTIFF

AND:

GARCIA BARBARA

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE**

1. State Defendant's name and address: \_\_\_\_\_
  
2. State whether the Defendant intends to contest the action (tick appropriate box)  
 Yes       No
  
3. If you do not intend to contest the action, do you want time in which to pay the claim? (tick box)  
 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.**

(Signed).....

Defendant's Signature

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

**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)