

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2020

BETWEEN:

LEO BRADSHAW

PLAINTIFF

AND:

**THE PROPRIETORS, STRATA PLAN NO. 46
(KNOWN AS PLANTATION VILLAGE)**

DEFENDANT

ORIGINATING SUMMONS



TO:

The Proprietors, Strata Plan No. 46

c/o

Walkers Attorneys at Law

190 Elgin Avenue

George Town

Grand Cayman

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 Leo Bradshaw c/o KSG Attorneys at Law, 4th Floor Harbour Centre, George Town, Grand Cayman, the Plaintiff seeks the following relief of the Court:

1. A declaration that all interest charged to the Plaintiff pursuant to the bye-laws of the Defendant is properly calculated on a simple basis;
2. A declaration that the maximum permissible costs payable by the plaintiff to the defendant for legal work carried out by Walkers in conducting proceedings GC 194 of 2019 are those costs found payable by the taxing master under the application for taxation submitted in those proceedings on behalf of the defendant pursuant to an Order of the Grand Court dated 8th September 2020.
3. That upon the declarations at paragraphs 1 and 2 being made, all compound interest and costs in excess of the amounts as submitted to the taxing master as claimed by Walkers and consequential interest, as added to the statement of account of the plaintiff with the defendant be removed forthwith.
4. Costs to the plaintiff.

5. Such other orders and consequential relief as the court deems appropriate.

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 18 day of November 2020



KSG
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.

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.

