



No. 1
Plaint

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

BETWEEN:

MICHELE GARRICKS
SAMUEL GARRIDO VALES

Plaintiff

AND:

GERMAN D GARCIA

Defendant

To the Defendant

GERMAN DIAZ GARCIA - 328 3342

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, 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 day of 20

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF THE 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)

Areas of damage to the property

Flooring & Tiling

- 1 Tiles laid were not level nor spaced correctly.
- 2 Ground floor not level.

Electrical & Lighting

- 1 There is no power to the right side of the property.
- 2 No electrical outlet for washer dryer.
- 3 Electrical outlets not fitted correctly.
- 4 Light switches not functioning correctly.

Painting & Decoration

- 1 Incorrect materials were used throughout e.g. electrical tape used instead of painter's tape
- 2 Surfaces were incorrectly prepared or not prepared at all for painting.
- 3 Sheetrock work was incorrectly completed.
- 4 Brand new light fittings were painted over.
- 5 Incorrect paint used on ceiling surfaces.

Bathrooms & Plumbing

- 1 Although covered and prepared to be tiled, there was NO drain connection to any of the bathroom and plumbing connections in either bathroom upstairs. Please see photos attached.
- 2 No vent for washer dryer.
- 3 No reinforcement for vanities.
- 4 Vanities and mirror fitted incorrectly.

Miscellaneous

- 1 New replacement doors were used as a work surface, causing damage - please see images attached.
- 2 New vanity was used as a work surface and placed on the floor, causing damage - please see images attached.
- 3 Damage to the new door frame that was made.

All of these items were brought to your attention in our various telephone conversations and your inspection of the property. Although you have accepted liability for the miscellaneous items and replaced the damaged door, we have yet to be compensated for the vanity or lights. Please also see letter before claim attached.

AND the Plaintiff claims:

1. The sum of \$3,000.00
2. Interest in the sum of \$30.45 (145days) .21 per day at 2.5%
3. Filing fee, \$25.00 Process Server \$50.00 Fixed cost \$175.00

Total \$3,280.45



Plaintiff's Signature

Plaintiff's address for service

23 CAYMAN CROSSING
1033 SOUTH SOUND ROAD, GEORGETOWN



P.O. Box 10899, Grand Cayman KY1-1007 Cayman Islands Tele: 345-3283342 Email: propaintky@gmail.com

Michelle Garricks/Samuel Garrido Valles
1033 South Sound
Cayman Crossing # 23
345-9295846

Estimate Project Name : Renovation Unit # 23 04/2/2020

Scope of Work

Remove all the existing flooring ground and upper floors

Fix and Level floors throughout as required.

Retile back with ceramic including a Stair with (15 Step)

Remove a little storage located beside the kitchen

Relocated water heater under the stairs

Add additional cupboard under the stairs with door

Plumb washer driver into new cupboard.

Plumb washer driver into new cupboard

Remove tiles from kitchen (do 25 sqt. of the backsplash on the kitchen)

Tile bathrooms around bath area from base to ceiling

Remove the and replace bathtub in main bath room

Remove bathtub in master and install ceiling shower

Remove and reinstall new bathroom vanity and mirrors

Install new light fixtures in bathrooms

Install plumbing fixtures in bathroom & kitchen

Primer and paint, the entire unit including, ceiling, interior walls, doors, the kitchen cabinets



P.O. Box 10899, Grand Cayman KY1-1007 Cayman Islands Tele: 345-3283342 Email: propaintky@gmail.com

- Replace & install all two fans throughout upstairs
- Replace all vents/switch/outlets throughout property
- Add pendant Lights to kitchen & dining room
- Led Light 3 in 1 throughout the property - to be discussed
- Install new base board - Can we use the old ones?
- Fix all the cracking areas around the unit with mod compound
- Caulking all around the doors and window/baseboard
- Install new outlet for tv.

The total cost of the project is 8,500 CI Labor Cost including tools & equipment only.

Deposit of 50% upon acceptance of quote: 50% remaining upon completion.

Time for completion: 3 weeks

By signing this document, the customer agrees to the services and conditions outlined in this document.

CHANGE ORDERS

The Owner may, from time to time during the progress of work, request changes in the work specified above.

If the Owner agrees to an appropriate INCREASE or DECREASE in the contract amount because of the requested change(s), the work shall be performed. — Additional charges for the changes are due and payable prior to the work being performed, with payment to be received no later than the next scheduled contract payment.

-The completion date stated in this Agreement shall be adjusted according to the change(s) to be made and the original completion date shall become null and void.

Signed on _____ of February 2020

German D Garcia
Pro-Paintenance


Michelle Garricks
Owner

Fwd: Letter before action - German D. Garcia / Pro Paintence

Michelle Garricks <michellegarricks@gmail.com>

Via 14/08/2020 10:54

Para: samuel garrido valles <samuelgarrido5@hotmail.com>

 1 archivos adjuntos (72 KB)

23 Cayman Crossing.docx;

Please can you print all of these. In colour if possible

Begin forwarded message:

From: Michelle Garricks <michellegarricks@gmail.com>
Subject: Letter before action - German D. Garcia / Pro Paintence
Date: 16 July 2020 at 20:51:24 GMT-5
To: propaintky@gmail.com, Garcia <ggarcia50474@gmail.com>
Cc: samuel garrido valles <samuelgarrido5@hotmail.com>

July 16, 2020

German Diaz Garcia

Pro Paintence

P.O. Box 10899,

Grand Cayman

KY1-1007

Cayman Islands

Email: propaintky@gmail.com; ggarcia50474@gmail.com; 3283342

Dear Mr. Garcia,

Letter Before Action in Respect of a contract for renovation works between German Diaz Garcia of Pro Paintence and Michelle Garricks and Samuel Garrido Valles dated 5th February 2020 (the "Contract")

We recently entered into the Contract with you to complete renovation works at our property situated at 23 Cayman Crossing 1033 South Sound Road, George Town, Grand Cayman (the "Property"). As per the Contract the total invoice was \$8,500 of which a 50% balance was

transferred to your Butterfield account on 6th February 2020. Work started on 10th February 2020 and we were given a completion date within three weeks. Please see the Contract attached.

Due to the unforeseen circumstances surrounding Covid-19 and the restrictions applied to us by the Government, you were unable to work and understandably our completion date was pushed back. We decided and believed that we had built a trusted relationship with you and at your request confirmed we would assist you with an advance payment of \$1800 to see you through the Covid-19 pandemic, allowing you to pay rent, purchase food, petrol and other essential items during this time. We agreed this amount would be credited to the invoice amount set out in the Contract.

When the restrictions were lifted, works did not start, and we suffered an approximately 2-3 week delay. It became clear to us that your attention was elsewhere; you were not seen at the Property, nor had works been completed by you. After various inspections of the Property, we started to see problems with your work. These problems ranged from not showing up when advised to sub-contracting essential elements of the work to individuals with little or no experience. Prior to signing the Contract we stipulated and agreed with you that certain elements were to be completed by experienced professionals only, e.g. electrical, tiling, plumbing etc. It became immediately clear that the members of your team were not professional. I was unable to communicate with them and they were not competent to complete the work. Having seen the damage and unsatisfactory works over the course of that week, we asked you and your staff to vacate the property on Saturday XXXXXX 2020.

Areas of damage to the property

Flooring & Tiling

1. Tiles laid were not level nor spaced correctly.
2. Ground floor not level.

Electrical & Lighting

1. There is no power to the right side of the property.
2. No electrical outlet for washer dryer.
3. Electrical outlets not fitted correctly.
4. Light switches not functioning correctly.

Painting & Decoration

1. Incorrect materials were used throughout e.g. electrical tape used instead of painter's tape.
2. Surfaces were incorrectly prepared or not prepared at all for painting.
3. Sheetrock work was incorrectly completed.
4. Brand new light fittings were painted over.
5. Incorrect paint used on ceiling surfaces.

Bathrooms & Plumbing

1. Although covered and prepared to be tiled, there was NO drain connection to any of the bathroom and plumbing connections in either bathroom upstairs. Please see photos attached.
2. No vent for washer dryer.
3. No reinforcement for vanities.
4. Vanities and mirror fitted incorrectly.

Miscellaneous

1. New replacement doors were used as a work surface, causing damage - please see images attached.
2. New vanity was used as a work surface and placed on the floor, causing damage - please see images attached.
3. Damage to the new door frame that was made.

All of these items were brought to your attention in our various telephone conversations and your inspection of the property. Although

you have accepted liability for the miscellaneous items and replaced the damaged door immediately, we have been waiting over 5 weeks to be compensated for the vanity.

The works cannot be remedied by you as we do not feel comfortable with you completing the work to a satisfactory standard after all that has transpired. We have instructed new contractors to complete the works we already paid for and, in addition, we must check the whole property for faults caused by your workmen.

We are asking for the amount \$2,500 (the cost of getting the current electrical and plumbing checked along with the \$1800 advance we gave you during the Covid-19 lockdown period) in addition to the the \$500 already agreed for the damage you caused to the vanity. Please forward the sum of \$3000 inc cash or via wire transfer within the next 14 days. If we do not hear from you by 30 July 2020, a plaint will promptly be filed in small claims court.

We are deeply saddened and upset by this whole process. We have done our best to work with you throughout, however, your lack of response and willingness to engage during this situation has left us no choice but to proceed with the measures set out in this letter before action.

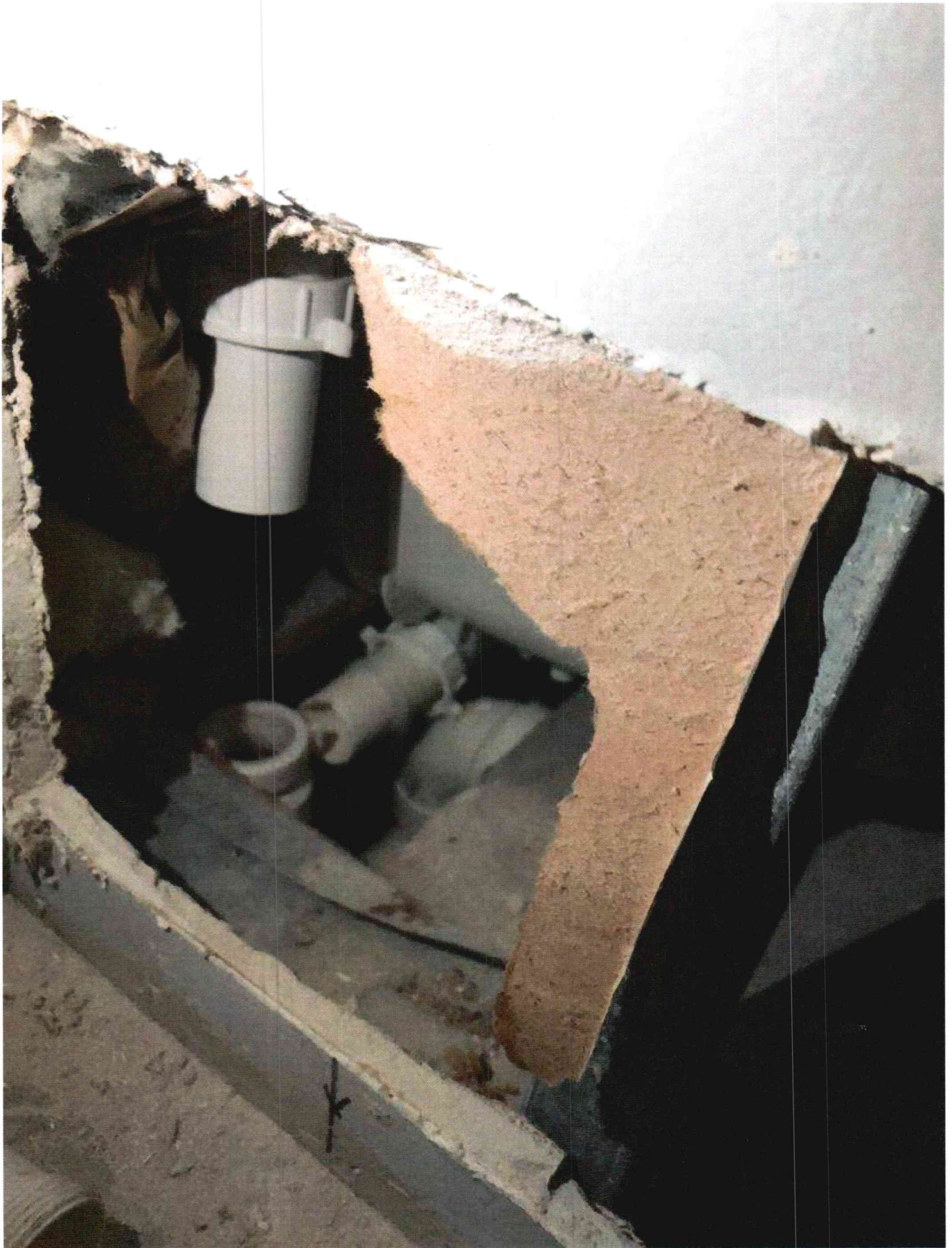
Sincerely,

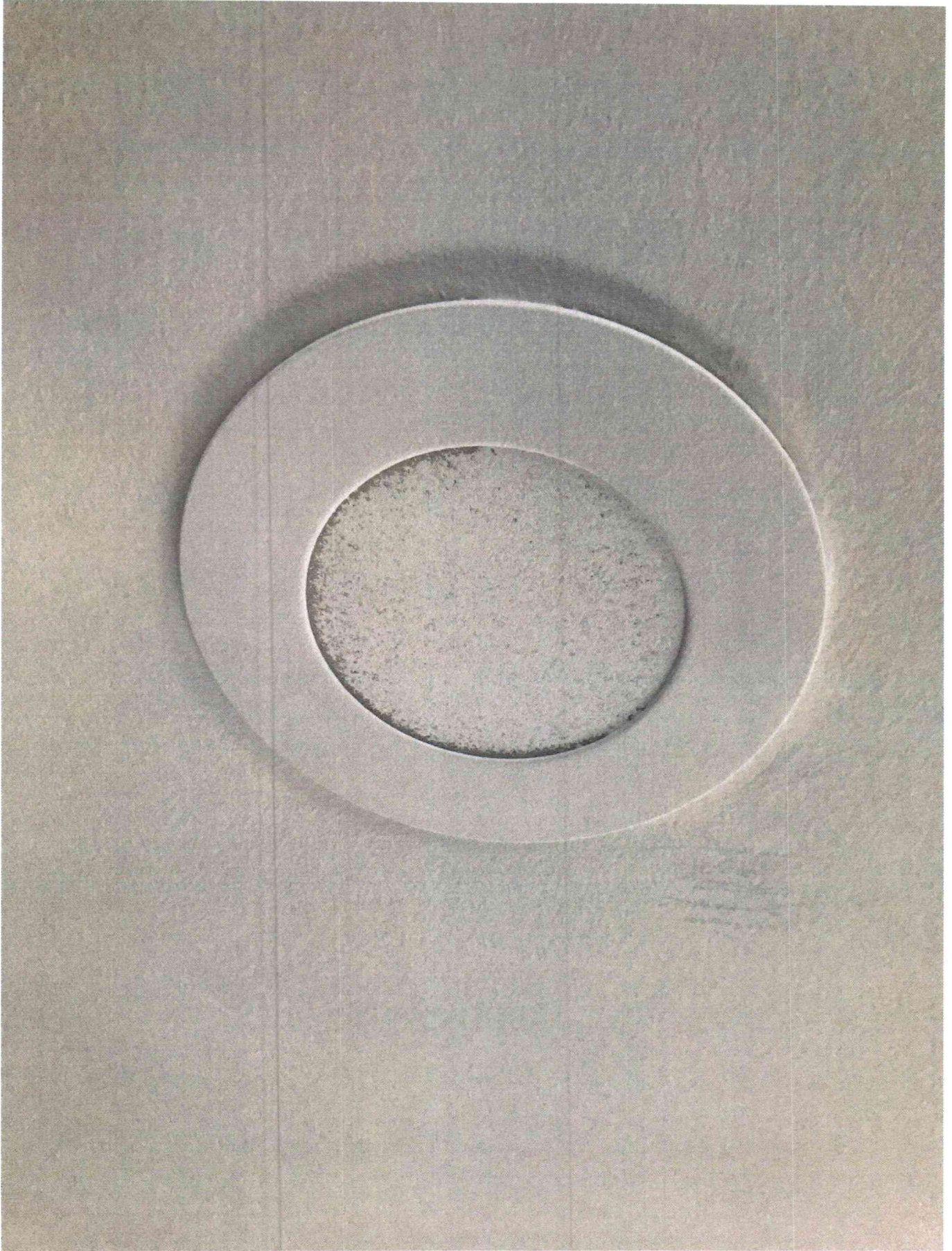
Michelle Garricks & Samuel Garrido Valles

Wire Transfer Details

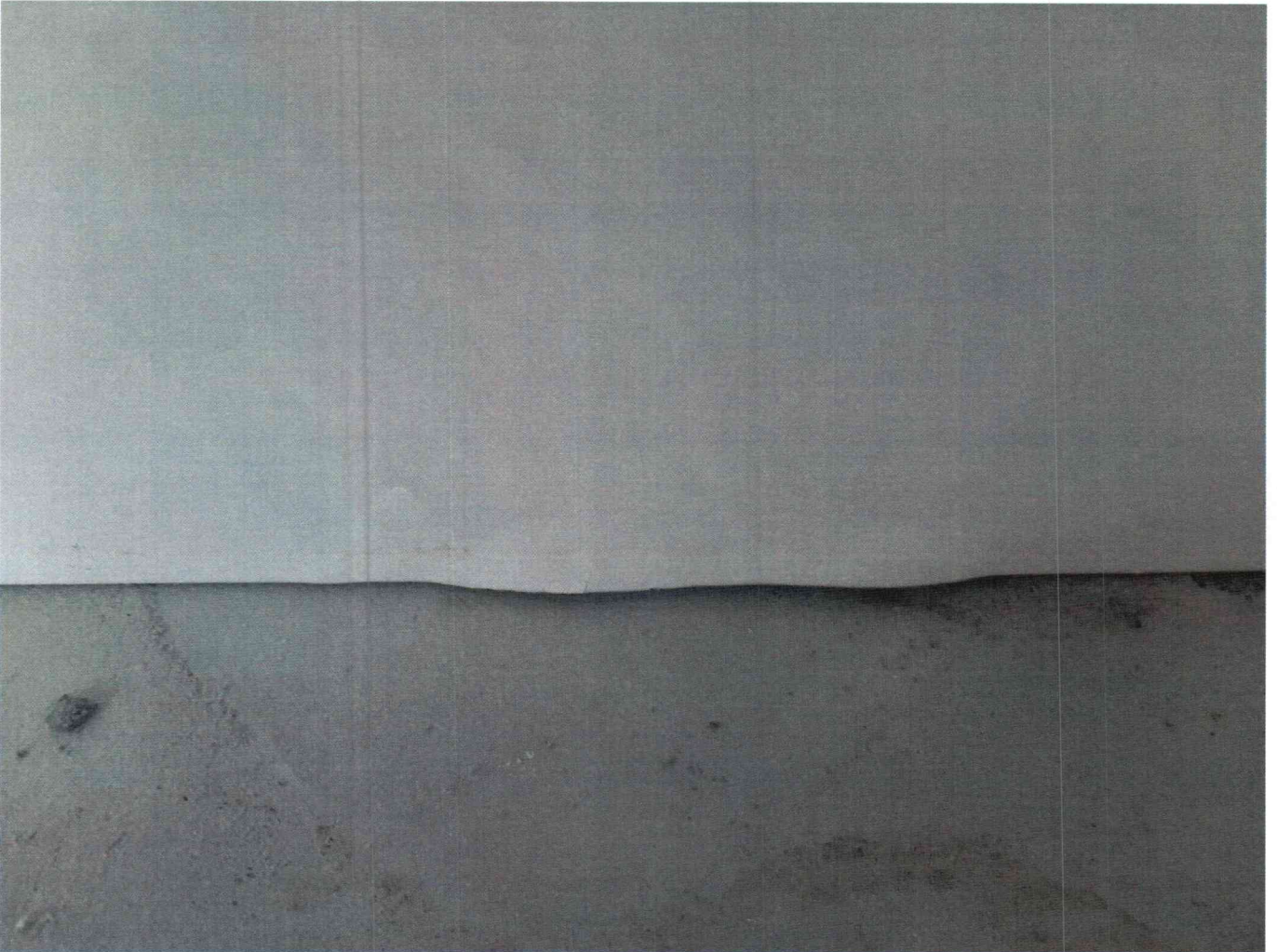
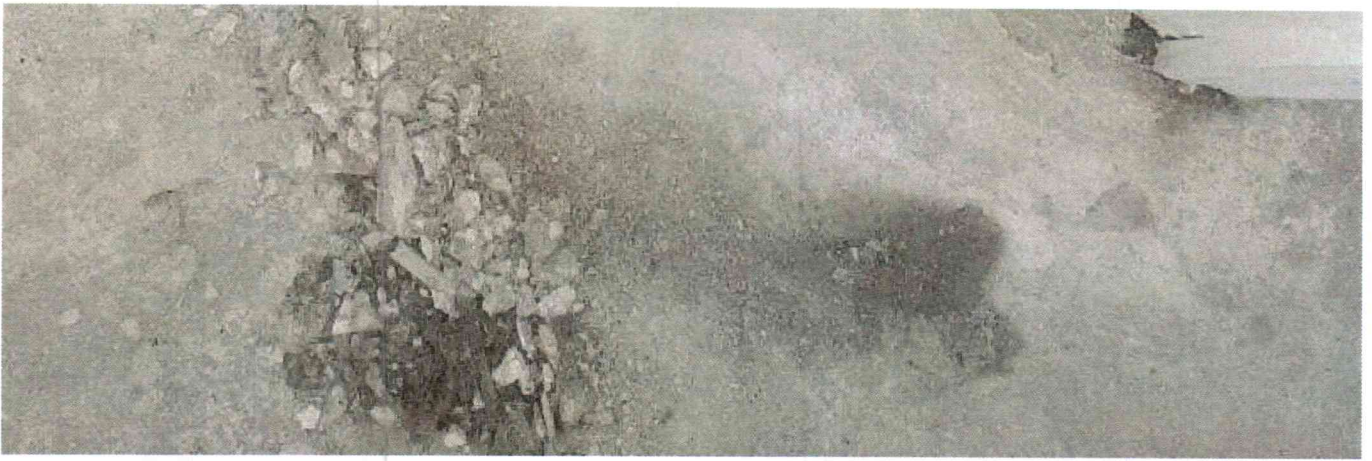
Scotia Bank

A/C 7004670









No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

Between:

MICHELLE GARRICKS
SAMUEL GARRIDO VALLES

Plaintiff

AND:

GERMAN D. GARCIA

Defendant

ACKNOWLEDGMENT OF SERVICE

1 State Defendant's name and address -

GERMAN DIAZ GARCIA - 328 3342
GEORGE TOWN, GRAND CAYMAN

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 _____, 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)

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.