



No. 1
Plaint

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 85 of 2021

BETWEEN:

Marichu Corteza Boceta

Plaintiff

AND:

Maricel Gonzales

Defendant

To the Defendant

Name: Maricel Gonzales

Address: Apartment 5, Reef House, South Church Street,
George Town, Grand Cayman, Cayman Islands.

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 our **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 7th day of June, 2021

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 her or is liable to pay damages to her).

1. On January 2021 I saw an advertisement for a bed space for rent by Maricel Gonzales. She said the room was split to be shared between three people. I agreed and gave my deposit of CI\$300 to Maricel Gonzales to reserve the bed space at the apartment at Wren Place.
2. Then on February 28th I paid the first month's rent up front which totalled CI\$300. This was the agreed upon amount which was inclusive of all utilities.
3. I moved into the apartment the first week of March and the other two roommates were moved in before me. I noted it was not very clean. The living arrangement was that we three would share one room, and Maricel, her boyfriend, and her two kids would occupy the other room.
4. Maricel has been the main tenant in the apartment for the last six years. In March, the owner of the apartment Mr. Tony gave us a notice that he would no longer be renting the apartment because he wanted to give the place to his son to move in to.
5. We all started looking for another place to stay and Maricel and I found a place in south sound and as one of the other tenants decided not to move with us, I spoke with Maricel that I would bring a friend with me to make up for the extra spot, this way we would all pay less rent as we had planned like before. We totalled the deposit for my friend and me to be CI \$263.00 each which totalled CI \$526.00. I paid the deposit to Maricel in March.
6. We used to have a chat group for the room, and several of us were having a problem with her boyfriends' attitude and the way he was talking to us and looking to start arguments in the group chat, instead of talking to people face to face to sort out problems.
7. This is why the other tenant decided to leave and also the reason why I decided to leave as well, because they started calling me names and talking about my personal life and making other comments to disrespect me.
8. I tried to talk to Maricel about my concerns and told her I have no reason to live with them again because of what had happened. But I said I would still be nice and help them find other people to stay there so they would not be strained financially.
9. Before they moved to the new apartment we had found and confirmed two people to move into the apartment with Maricel and her family to take the place of myself and my friend.
10. I approached Maricel after this to get my deposits back as she now had people to cover my spot. However when I went to her, she began making excuses about paying me back my deposit. At this time she now had my deposit of CI\$300.00 and CI\$526.00 totalling CI\$826.00 which she did not want to return to me. As they had people to fill my spots there was no reason for her not to return my deposit.

11. I kept going to see her and speak to her and after a month had gone by I went to her work place and spoke to her and after several phone calls and text messages she finally said she would give me back my first deposit but that she was taking out CI\$50.00 out of it to pay for the deep cleaning of the apartment.
12. Mr. Tony, the owner of the apartment said that the apartment was a mess and very nasty and needed to be deep cleaned.
13. I do not agree with the taking of CI\$50.00 out of my deposit to pay for the deep cleaning of the apartment because I was the last person to move in and was barely there for two months. The other roommates were there for six months before I moved in and Maricel who has my deposit had been living there for six (6) years.
14. Maricel has given me no reason why she is not repaying me my full deposit of CI\$826.00 and has not tried anything at all to reasonably arrange any way whatsoever to return my deposit back to me, not even suggesting a payment plan. She has not been helpful in trying to find a solution to pay me back.

AND the Plaintiff claims:

- 1 The sum of CI\$826.00
- 2 Fixed costs of \$150.00 + \$25.00 filing fee alternatively costs to be assessed.



923 7827

Plaintiff's Signature

Plaintiff's address for service

Name: Marichu Corteza Boceta

Address: 28 Close, Firefly, Beach Bay, Bodden Town, Grand Cayman, Cayman islands

- 4 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 _____, 2021

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.