

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE No. SC of 2021

BETWEEN:

THE PROPRIETORS OF STRATA PLAN 159

PLAINTIFF

AND:

DONNA D. BUSH

FIRST DEFENDANT

AND:

DAVID A. BUSH

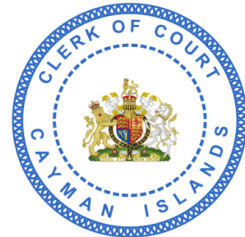
SECOND DEFENDANT

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PLAINT

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TO: Donna D Bush & David A Bush  
22 Silver Oaks, Block F  
PO Box 909  
George Town  
Grand Cayman KY1-1103



**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 **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 24<sup>th</sup> day of August 2021

**See overleaf for particulars of the Plaintiff's claim**

## **PARTICULARS OF CLAIM**

1. The Plaintiff is a strata corporation established under the Cayman Islands Strata Titles Registration Act (2013 Revision) ("the Law"), being a condominium development known as Silver Oaks ("the Strata"). The Strata is capable of bringing proceedings by virtue of section 5(1) of the Law.
2. The Defendants, at all material times, are and were the registered owners of one of the Strata lots, being Block 20D, Parcel 408H26 known as Unit 22 Silver Oaks ("the Property").
3. The control, management, administration, use and enjoyment of the Strata lots and the common property contained in the registered strata plan of the Plaintiff is regulated by the Plaintiff's By-Laws ("the By-Laws").
4. By virtue of section 21(7) of the Law, the By-Laws of a Strata in force at any time shall bind the owners of units at the Plaintiff strata including the Defendants.
5. Pursuant to section 5(2) of the registered By-Laws of the Strata it is the Defendants' obligation to pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata lot.
6. Pursuant to section 5(3) of the registered By-Laws of the Strata it is the Defendants' obligation to pay to the Corporation within 14 days of demand or at such times as the Executive Committee shall from time to time determine:
  - (a) all contributions necessary to establish and maintain a fund for administrative expenses sufficient, in the opinion of the Corporation, for the control, management, repair, maintenance and administration of the Common Property, for the payment of insurance premiums and for the discharge of any of the other obligations of the Corporation, for renewals or replacements which go beyond normal repair and maintenance and any special contributions levied by the Corporation; and
  - (b) all other costs and expenses incurred by the Corporation in connection with the performance of its duties under the Law and under these By-Laws.
7. The Plaintiff levied charges and assessments by way of monthly invoices sent to the Defendants stating the payment due for the month and the cumulative debt at that time.
8. Despite repeated demand by the Plaintiff, the Defendants have failed or refused to make payment to the contributions assessed and levied by the Plaintiff.
9. As at 24 August 2021, the Defendants are indebted to the Plaintiff in the principal sum of CI\$19,170.22.

10. By reason of the Defendants' breach of the By-Laws and by reason of his failure to pay the contributions levied (as set out above), the Plaintiff has suffered loss and damage.
11. Further, the Plaintiff's entitlement to payment continues to accrue on a monthly basis and, if payment is not made in accordance with the By-Laws, the Plaintiff will add the accrued amounts to the sum claimed herein.
12. Further, the Plaintiff seeks interest calculated in accordance with the By-Laws as set out below.

#### **STATEMENT REGARDING INTEREST**

13. The Plaintiff seeks pre and post judgment interest at the rate of 12% per annum from 24 August 2021 to the date of payment pursuant to section 5(3)(a) and in accordance with the contract terms and the provisions of the Judicature Law.
14. Interest is calculated in accordance with section 5(3)(a) at the rate of 12% per annum.
15. The current interest rate claimed is 12%.
16. Interest is claimed on the sum claimed from the date of issue of the Plaintiff.
17. The amount of interest owing as at the issue of the Plaintiff is CI\$0.00.
18. The amount of interest accruing each day following the issue of this Plaintiff is CI\$6.30.

#### **AND THE PLAINTIFF CLAIMS:**

- a) The said sum of CI\$19,170.22 as monies due and owing.
- b) Pre and post judgment interest from the date of issue of Plaintiff and interest accruing thereafter on the said sum at CI\$6.30 daily until payment.
- c) Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service

*KSG*

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**KSG**  
**Attorneys for Plaintiff**

If within the time for returning the Acknowledgement of Service the Defendants pay to the Plaintiff's Attorneys the total amount claimed of CI\$19,170.22 and all filing fees and all interest claimed all further proceedings will be stayed.

Plaintiff's address for service:

4<sup>th</sup> Floor Harbour Centre  
42 North Church Street  
PO Box 2255  
George Town, KY1-1107

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**FIRST DEFENDANT**

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**SECOND DEFENDANT**

**ACKNOWLEDGMENT OF SERVICE**

1 State Defendant's name and address -

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 \_\_\_\_\_ date 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.