

*IN THE GRAND COURT OF THE CAYMAN ISLANDS*

CAUSE NO. 330 OF 1998

*BETWEEN THE PROPRIETORS STRATA PLAN #155  
RANDYKE GARDENS LIMITED*

*PLAINTIFF*

*AND CAROL LEE*

*DEFENDANT*

*SPECIALLY ENDORSED WRIT OF SUMMONS* MAY 25 1998

*TO: CAROL LEE  
c/o George Ebanks  
Savannah Acre, Savannah, Grand Cayman*



*THIS WRIT OF SUMMONS* 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 Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

*If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.*

Issued this <sup>th</sup> 25 day of May 1998

*NOTE* - This Writ 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 the date of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form.

### **STATEMENT OF CLAIM**

1. The Plaintiff is a duly incorporated Strata Corporation registered in accordance with the Strata Titles Registration Law, 1973 as Proprietors of Strata Plan No. 155 having cause to manage, administer and insure the common property situate at Registration Section George Town East Block 20E Parcels 310H1 through 310H80 inclusive, hereinafter referred to as "Randyke Gardens Apartments".
2. The Defendant was at all material times the owner of Randyke Gardens Apartments Unit No. 63, hereinafter referred to as apartment No. 63.
3. The Plaintiff's powers pursuant to its Strata Bye-Laws are performed by an Executive Committee who are democratically elected from proprietors whose contributions to the Plaintiff's Administrative Fund are fully paid up.
4. Pursuant to its rights and duties, the Plaintiff acting through its Executive Committee, inter alia, control, manage and administer Randyke Gardens Apartments for the benefit of all proprietors; pay all existing and future rates and assessments and outgoings as well as insure Randyke Gardens Apartments which consists of each and every Strata Lot including apartment No. 63 and its common property.
5. In accordance with the Plaintiff's Strata Bye-Laws, it is the duty and responsibility of each and every proprietor of a unit in the Randyke Gardens Apartments to, inter alia, pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his or her Strata Lot to the Corporation in accordance with the demand/instructions of the Executive Committee.
6. On or about June 1995, the Plaintiff acting through its Executive Committee and in accordance with its Bye-Laws caused the monthly levy due from each proprietor as Strata fees to be increased from CI\$60.00 per month to CI\$86.00 per month commencing on the 31<sup>st</sup> day of July 1995 and caused notice to this effect to be served on each and every proprietor, including the Defendant.
7. Furthermore the annual insurance premium in respect of coverage of Randyke Gardens Apartments amounted to CI\$750.00 per year per unit.
8. Furthermore it is a requirement of the Plaintiff's Strata Bye-Laws that each proprietor prior to selling or disposing of his or her Strata Lot inform the Executive Committee of the proprietor's intention so to sell or dispose of the same and the name and address of the new or proposed purchaser.
9. The Defendant has not paid her insurance premium in full for the years commencing June 1995 despite numerous demands both in writing and orally by the Plaintiff for them to do so.

10. Accordingly, the Plaintiff, in order to comply with its obligations as described in paragraph 4 hereof was forced to cover the insurance of Randyke Gardens Apartments for 1997-1998 by arranging for financing of the insurance premium through its insurance company and has accordingly been charged a finance/late charge on each and every unit whose premium was not paid in full on demand.
11. Furthermore the Defendant has not regularly contributed to the cost of the upkeep of Randyke Gardens Apartments in accordance with the monthly levy of Strata Fees, or otherwise.
12. The Defendant has now sold and/or disposed of the said Strata Lot without informing the Executive Committee that she intended so to and without providing them with the name and address of the new owner(s) of the said Strata Lot.

***AND THE PLAINTIFF CLAIMS:***

1. Insurance premium for the coverage of Apt. No. 63 from June 1995 in the amount of CI\$2,000.00
2. Late and/or finance charges levied by the insurance company in regards to the previously described insurance premium of CI\$97.50
3. Strata fees of CI\$1,232.00
4. Interest at the Statutory rate from the 31<sup>st</sup> July 1995 to settlement of Judgement
5. Costs.
6. An Order requiring the Defendant to disclose the name and address(es) of the new owner(s) of Strata Lot No.63.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of \$8,958.50 including interest and cost further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Dated this 12<sup>th</sup> day of May 1998



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L. A. Samson & Co.  
Attorneys-at-law for the Plaintiff

THIS WRIT was issued by L. A. Samson & Co., Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of their said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman.

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**ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

***Important:*** Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted Or given wrongly, ***THIS FORM MAY HAVE TO BE RETURNED.***

**Delay may result in judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.**

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1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick the appropriate box)

yes

no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgement entered by the Plaintiff (tick box).

yes

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Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

*Please complete overleaf*

*Notes on address for service*

Attorney: where the Defendant is represented by an Attorney, state the Attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign Attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office number and the physical address of his residence or, if he does not reside in the Cayman Islands he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered 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:*

L. A. Samson & Co. Attorneys-at-Law The Ground Floor (West Wing) Sigma Building Smith/hospital Roads, George Town, Grand Cayman
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*Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below:*

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