



SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC OF 2022

THE PROPRIETORS OF STRATA PLAN NO. 2

PLAINTIFF

AND:

RENO CIANTAR

FIRST DEFENDANT

AND:

AGATA KALICKI

SECOND DEFENDANT

PLAINT

TO THE DEFENDANTS:

Reno Ciantar and Agatar Kalicki of PO Box 10124, Grand Cayman, KY1-1002, 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 fourteen (14) days after the service of this Plaint on you, counting the day of service, you must either satisfy the claim, or return to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest this action. If you intend to defend this 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 to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a default judgment without further notice to you.

Issued this 21st day of July 2022.

IMPORTANT

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

This PLAINT AND ACKNOWLEDGEMENT OF SERVICE was filed by Nelson & Company whose address for service is 31 The Strand, 46 Canal Point Drive, P.O. Box 2075, Grand Cayman, Cayman Islands. (Ref: KM/5447-001)

PARTICULARS OF CLAIM

1. At all material times the Plaintiff was and is a strata corporation established under the Cayman Islands Strata Titles Registration Law (2013 Revision) ("the Law"), being the condominium development known as Island Pines.
2. The Defendants, at all material times, are and were the registered owners of one of the Strata lots at Island Pines, being Block 12B, Parcel 22H21 known as Unit 21 Island Pines ("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 its Strata bye-laws ("the Bye-Laws").
4. Pursuant to Bye-Law 8.1(b), it is the Defendants' obligation to pay to the Plaintiff all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot and pursuant to Bye-Law 8.1(e) it is the Defendants' obligation to pay all contributions to the fund for administrative expenses levied by the Plaintiff and their due proportion of all other costs and expenses incurred by the Plaintiff in connection with the performance of its duties under the Law and the Bye-Laws within 30 days of demand.
5. The Plaintiff levies such contributions by way of monthly invoices sent to the Defendants stating the payment due for that month which are payable in arrears.
6. Despite repeated demands by the Plaintiff, the Defendants have failed, refused and/or neglected to make payment of any or all of the contributions levied by the Plaintiff.
7. As at 1 July 2022, the Defendants were justly and truly indebted to the Plaintiff in the sum of CI\$17,734.87, including interest due under Bye-Law 8.1(c) calculated at the rate of 10% from the date of default calculated simply and accruing daily.

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- 8. By reason of the Defendants' breach of the Bye-Laws by reason of their failure to pay contributions levied (as set out above), the Plaintiff has suffered loss and damage.
- 9. Further, the Plaintiff's entitlement to payment continues to accrue on a monthly basis and, if payment is not made in accordance with the Bye-Laws, the Plaintiff will add the accrued amounts to the sum claimed herein.
- 10. Further, the Plaintiff seeks and is entitled to interest calculated in accordance with the Bye-Laws continuing at the daily rate of CI\$4.86 until judgment or sooner payment calculated as follows:

		Rate	No. of Days	Daily Rate
Statement Amount	CI\$17,734.87	10%	20	CI\$4.86

Alternatively pursuant to section 34(1) of the Judicature Law (2017 Revision) from and to such dates, and in such amounts, and at such rates, as this honourable Court thinks just.

- 11. Pursuant to Bye-Law 8.1(e) the Plaintiff is entitled to and does, claim all costs associated with bringing these proceedings on an indemnity basis.

AND THE PLAINTIFF CLAIMS:

- 1. Judgment against the Defendants in the sum of CI\$17,734.87.
- 2. Interest in the sum of CI\$97.18 and continuing at the daily rate of CI\$4.86, as set out in paragraph 7 above, alternatively at such rate from such date and on such amount as this honourable Court thinks just.
- 3. Costs on an indemnity basis.
- 4. Such further and/or other relief as this honourable Court deems appropriate.

Nelson

Nelson & Company
Attorneys for the Plaintiff

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Plaintiff's address for service:

31 The Strand, 46 Canal Point Drive, P Box 2075, Grand Cayman KY1-1105, Cayman Islands.

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AND:

AGATA KALICKI

SECOND DEFENDANT

ACKNOWLEDGEMENT OF SERVICE

1. State Defendant's name and Address:

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

YES

NO

3. If you do not intend to contest the action, do you want time in which to pay the claim? (tick box)

YES

NO

4. If you intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaint is acknowledged accordingly.

Defendant's Signature

Dated this _____ day of _____ 2022

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PARTICULARS OF DEFENCE

Here set out in numbered paragraphs the grounds upon which the Defendants say that they are not liable to the Plaintiff or is not liable for the full amount claimed.

Defendant's Signature

REMINDER – This form must be delivered or sent to the Courts Office, P.O. Box 495GT, George Town, Grand Cayman, within fourteen (14) days of receipt, otherwise a default judgment may be entered against you.

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