



MARY COURT AT GEORGE TOWN

CAUSE NO. SC OF 2022

MODERN DREAM HOMES CONSTRUCTION
& VIRTUAL 3D DESIGNS LTD

PLAINTIFF

AND: PAUL FRANCIS FIRST DEFENDANT

AND: AMINI AWE SECOND DEFENDANT

PLAINT

TO THE DEFENDANTS:

Paul Francis
Harbour Reach
Grand Harbour
Cayman Islands

AND: Amini Awe
Harbour Reach
Grand Harbour
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, P.O. Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgement 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 Acknowledgment 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 October 2022.

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS

1. The Plaintiff is and was at all material times a company organised and carrying on business as a General Contractor, and Developer whose principal place of business is situated at 39 Success Circle, George Town, P.O. Box 31404 Grand Cayman KY1-1206 Cayman Islands
2. The First Defendant and Second Defendant (collectively, the “**Defendants**”) are residents of the Cayman Islands, and their residence is recorded in the land registry’s record as Grand Harbour, Block 22E, Parcel 516 Grand Cayman, Cayman Islands.
3. By contract dated 28 June 2021, the Plaintiff and the Defendants entered into an agreement whereby the Plaintiff agreed to construct a residence comprising of the main house structure, the garage structure, and the pool structure in accordance with the contract and the contract drawings at Registration Section Grand Harbour, Block 22E, Parcel 516 for the Defendants, and the Defendants agreed to pay the sum of CI\$526,067.00.
4. It was an express and/or implied term of the agreement that the Defendants would pay the Plaintiff for all the sums due and owing under the contract.
5. It was also an express and/or implied term of the agreement that the Defendants would pay the Plaintiff for any extra work.
6. In furtherance of the contract, the Plaintiff did construct the residence in accordance with the contract and the contract drawings.
7. In breach of the agreement, the Defendants failed or otherwise refused to pay the sums due and owing, and as of the date hereof the amount outstanding is CI\$19,152.00.
8. By reason of the breaches of the express and/or implied terms of the agreement, the Plaintiff has suffered loss and damages full particulars of which are known to the Defendants, and which will be provided at trial.
9. Despite repeated requests for payment, and in breach of the agreement, the Defendants have failed or refused to pay the sums owing totalling CI\$19,152.00 which remains due and owing to the Plaintiff.
10. The plaintiff also claims interest on the said sum.

STATEMENT REGARDING INTEREST

11. The plaintiff seeks pre-and post-judgment interest from the date that the said sum became due at the rate of $2\frac{3}{8}\%$ per annum on the sum due and owing until payment and in accordance with the provisions of the Judicature Act (2017 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
12. Interest is claimed from 14 February 2022 being the date of the last invoice as set out above.
13. The amount of interest owing at the date of issue of this Plaintiff is CI\$332.50. The amount of interest accruing each day following the issue of this Plaintiff is CI\$1.25.

AND THE PLAINTIFF CLAIMS:

14. The said sum of CI\$19,152.00.
15. Pre- and post-judgment Interest on the said sum in accordance with the Judicature Act (2017 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
16. Costs plus filing fees and bailiff's fees for service.

If within the time for returning Acknowledgement of Service, the Defendants pay to the Plaintiff's Attorney-at-Law the total amount claimed of CI\$19,152.00 (together with interest and costs) all further proceedings will be stayed.

Dated this 25th day of October 2022

Martha Selicea Rankine
Attorney-at-Law for the Plaintiff

This **PLAINT** was issued by MARTHA SELICEA RANKINE, Attorney-at-Law for the Plaintiff whose address for service is 2nd Floor, Genesis Building, 13 Genesis Close, George Town, P.O. Box 1191, Grand Cayman KY1-1503, Cayman Islands.

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO. SC OF 2022

BETWEEN: MODERN DREAM HOMES CONSTRUCTION & VIRTUAL 3D DESIGNS LTD PLAINTIFF

AND: PAUL FRANCIS FIRST DEFENDANT

AND: AMINI AWE SECOND DEFENDANT

ACKNOWLEDGEMENT 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 day of September 2022.

See Overleaf

This PLAINT was issued by MARTHA SELICEA RANKINE, Attorney-at-Law for the Plaintiff whose address for service is 2nd Floor, Genesis Building, 13 Genesis Close, George Town, P.O. Box 1191, Grand Cayman KY1-1503, Cayman Islands.

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, P.O. Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a Default Judgment may be entered against you.

This **PLAINT** was issued by MARTHA SELICEA RANKINE, Attorney-at-Law for the Plaintiff whose address for service is 2nd Floor, Genesis Building, 13 Genesis Close, George Town, P.O. Box 1191, Grand Cayman KY1-1503, Cayman Islands.