



**SUMMARY COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. SC OF 2022**

**IN**

**ADAM LLEWELYN**  
**As Administrator of the Estate of**  
**Kathleen Anita Whittaker, Deceased**

**PLAINTIFF**

**AND**

**LINDEL PUSEY**

**DEFENDANT**

**PLAINT**

To the Defendant

Lindel Pusey  
122A Rock Hole  
George Town  
Grand Cayman

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 Acknowledgement of Service form stating 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 default Judgment without any further notice to you.

Issued this      day of      2022

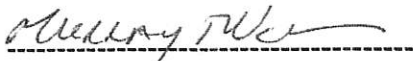
***See overleaf for particulars***

PARTICULARS OF CLAIM

1. The Plaintiff was at all material times the Administrator of the Estate of the Kathleen Anita Whittaker (Deceased)
2. The said Estate consists of property, with dwellings thereon, located at 122A Rock Hole, George Town, Grand Cayman, more particularly described as Registration Section George Town Central Block 14CF Parcel 41.
3. Defendant was at all material times a Trespasser in respect of the said property by reason of the fact that he occupied premises on the said property without the consent and/or permission or authority of the Plaintiff.
4. On or about the 10<sup>th</sup> day of September 2022 the Plaintiff caused an Eviction Notice to be served on the Defendant.
5. On or about the 11<sup>th</sup> day of September 2022 it was discovered that the said Notice of Eviction had been crumpled on thrown in the grass near to a neighbour's home.
6. On or about the 13<sup>th</sup> day of September 2022 I caused a further Notice of Eviction to be served on the Defendant and the same was placed underneath the door of the premises that he occupies again.
7. In the circumstances I duly believe that the Defendant has been served with the said Notice of Eviction but in spite of the same he remains in occupation of the said premises.

AND THE PLAINTIFF THEREFORE CLAIMS:

- (a) An Order evicting the Defendant from the premises
- (b) Costs on an indemnity basis or such other basis as the Court deems just in the circumstances.

  
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 Murray & Westerborg  
 Attorneys-at-Law for the Plaintiff

Plaintiff's address for service:

Murray & Westerborg The Second Floor (South West Wing) Cayman Shipping Centre Building 10 Shipping Lane George Town, Grand Cayman
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## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

## Acknowledgment of service of Plaintiff

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF PLAINT

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also complete and serve the Particulars of Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Plaintiff, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the Particulars of Defence are not filed and served within 14 days of the time for acknowledging receipt of the Plaintiff.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states in answer to Question 3 in the Acknowledgment of Service, that he intends to seek time to pay the claim or that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution or seeking time to pay, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

*See over for notes for guidance*

*IN THE SUMMARY COURT OF THE CAYMAN ISLANDS*

*CAUSE NO. SC OF 2022*

*BETWEEN ADAM LLEWELYN  
As Administrator of the Estate of  
Kathleen Anita Whittaker, Deceased PLAINTIFF*

*AND LINDEL PUSEY DEFENDANT*

*ACKNOWLEDGEMENT OF SERVICE*

1. State Defendants 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 to pay the claim?

( ) yes ( ) no

4. If you intend to contest the action, in whole or 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                      2022

*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.