

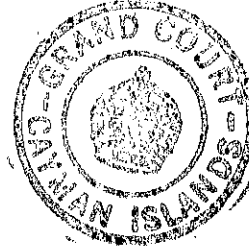
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 479 OF 1995

BETWEEN: ROBERT KLOTZ  
JAN KLOTZ

PLAINTIFFS

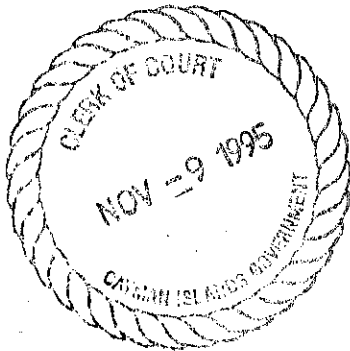
AND: (1) THE PROPRIETORS OF STRATA PLAN NO 81  
(A CORPORATION)  
(2) JOSEPH E MATENAER  
(3) RONALD CHANDLER  
(4) DONALD LANDAN  
(5) PAUL ZELLER  
(6) JOHN TURNER  
(7) DEAN MOORE



DEFENDANTS

WRIT OF SUMMONS

TO: (1) THE PROPRIETORS OF STRATA PLAN NO 81  
(A CORPORATION)  
Post Office Box 439  
West Bay  
Grand Cayman  
(2) JOSEPH E MATENAER  
1152 North 11th Avenue  
West Bend, WI 53095  
(3) RONALD CHANDLER  
4830 Curtis Street  
Dearborn, MI 48126  
(4) DONALD LANDAN  
170 Executive Drive  
New Hyde Park, NY 11040  
(5) PAUL ZELLER  
North 2806 Wildwood Drive  
Lake Geneva, WI 53417  
(6) JOHN TURNER  
Post Office Box 607  
2555 Route #9  
Oceanview, NJ 08230  
(7) DEAN MOORE  
1489 Bridgewater Way  
Annapolis, MD 21401



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.

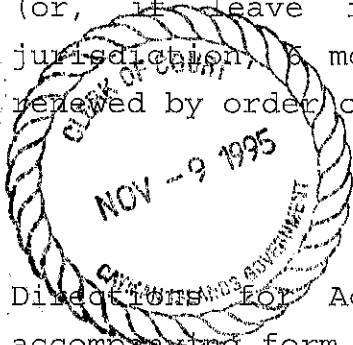
Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

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

Issued this 9<sup>th</sup> day of November 1995.



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 relieved by order of the Court.



**IMPORTANT**

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

**STATEMENT OF CLAIM**

1. The 1st Defendant is a Strata Corporation (hereinafter referred to as "the Strata Corporation") created under The Strata Titles Registration Law 1973 and came into existence on 19 February 1987 when Strata Plan No 81 was registered in the Cayman Islands Land Registry. The Strata Corporation was created to promote the common interests of a condominium development on Seven Mile Beach known as Discovery Point Club.

The 2nd to 7th Defendants are members of The Executive Committee of the Strata Corporation.

2. The Plaintiffs owned Apartment No 4 at Discovery Point Club from April 1988 to 30 September 1994 and at all material times were registered proprietors of a strata lot.
3. During the period the Plaintiffs were registered proprietors of a strata lot they placed their property within the Rental Plan as provided in the Second Schedule to the By-Laws of the Strata Corporation. The costs of the Rental Plan are determined by the Strata Corporation at its General Meeting each year together with a Rental Plan Budget for the following year. Over a period of time a surplus accumulated in the Rental Plan and on 17 March 1994 the Executive Committee resolved to make a special distribution of the surplus to the participating proprietors.
4. In spite of numerous requests, The Strata Corporation and the members of the Executive Committee have failed to make any distribution to the Plaintiffs and other proprietors of the Rental Plan.
5. During the period 1 June to 30 September 1994 the Plaintiffs property was let on numerous occasions by the Strata Corporation to transient guests pursuant to the Rental Plan.
6. On 30th September 1994 the Plaintiffs sold their property and at closing the Strata Corporation required the sum of US \$1600.00 to be paid to them on account of any debit balance due on the Plaintiffs account.
7. The Plaintiffs have repeatedly sought an accounting from the Strata Corporation in respect of the distribution due to them from The Rental Plan, the gross receipts received by it for the letting of their property for the period 1 June to 30

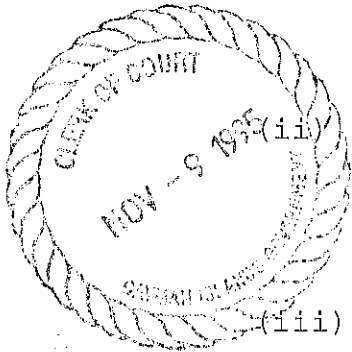
September 1994 and in respect of the moneys paid to it at the closing of the sale of the Plaintiffs property. In particular letters written on behalf of the Plaintiffs dated 22 March 1995 and 6 April 1995 have not been satisfactorily answered.

8. The Strata Corporation and its Executive Committee have failed in their fiduciary duties to the Plaintiffs to account in respect of the moneys received or held on behalf of the Plaintiffs.
9. By reason of the default of the Strata Corporation and its Executive Members, the Plaintiffs are entitled to claim an order for an account or other equitable relief to enforce compliance with the Strata Corporations accounting obligations to the Plaintiffs both at common law and under its By-Laws.

AND THE PLAINTIFFS CLAIM:

1. Under paragraphs 3,5 and 7 the Plaintiffs claim an order for an account in respect of:

- (i) the special distribution from the Rental Plan Surplus agreed by the Executive Committee on 17 March 1994.



(ii) The moneys received by the Defendants in respect of the letting of the Plaintiffs property during the period 1 June to 30 September 1994.

- (iii) The moneys retained by the Defendants at the closing of the sale of the Plaintiffs property.

2. Judgment for such sum as may be found due to the Plaintiffs upon taking the account.
3. Such further or other relief as the court may deem appropriate.

4. Interest pursuant to Statute.

5. Costs.

Dated this 9<sup>th</sup> day of November 1995.

C S Gill + Co  
C S GILL & CO



THIS WRIT is issued by C S Gill & Co, Attorneys-at-Law for the Plaintiffs herein whose address for service is 4th Floor Genesis Building, P O Box 945, George Town, Grand Cayman, BWI.