



IN THE GRAND COURT OF THE CAYMAN ISLANDS
 PROBATE AND ADMINISTRATION APPLICATION NO. PA 93 OF 2024

IN THE ESTATE OF **JULET THERESA FACEY aka JULET THERESA FOSTER**, DECEASED

| | | |
|----------|---|------------|
| BETWEEN: | JASON SAMUEL FOSTER | |
| -and- | SUWAYNE JACKIE BROWN, a Minor, (by her Next Friend GARTH ARCH) | PLAINTIFFS |
| AND: | MEROY TYRONE TOMLINSON | DEFENDANT |

WRIT OF SUMMONS

To: Mr. Meroy Tyrone Tomlinson
 3 Neon Close, Mount Pleasant, West Bay, Grand Cayman,
 Email: tyronetomlinson5@gmail.com
 Tel: 345 547-6348

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

Within Fourteen days (14) 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 495, Grand Cayman KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

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

Issued this 19th day of June, 2024

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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiffs are two of the children and beneficiaries of the estate of the late JULET THERESA FACEY aka JULET THERESA FOSTER, (the Deceased).
2. The Deceased died intestate on 2nd June, 2023 leaving two other adult children who are also beneficiaries of the deceased's estate.
3. The Plaintiffs are entitled to apply for Letters of Administration of the estate of the Deceased.
4. The Defendant entered into a bigamous marriage with the Deceased on 18th February, 2023, at which time the Deceased was married to another man.
5. The Defendant's marriage to the Deceased is void and is of no effect under the Matrimonial Causes Law.
6. The Defendant has no right of priority pursuant to section 33 of the Probate and Administration Rules and therefore is not entitled to apply for Letters of Administration of the estate of the Deceased.
7. On 16th May, 2024 the Defendant wrongfully lodged a Caveat in this matter.
8. The Defendant is hindering the Grant of Letters of Administration of the estate to the Plaintiffs by refusing to remove the Caveat filed herein.

9. Despite being warned to remove the Caveat, to date, the Defendant has failed and/or refused to do so.
10. From 2nd June, 2023 to date, the Defendant has wrongfully collected and retained all of the rent monies from the tenants of the estate property registered at the Land Registry, as West Bay North West, Block 4D, Parcels 148 and 319 located at No. 3 Neon Close, Mount Pleasant, West Bay, Grand Cayman.
11. The Defendant is indebted to the Estate in the amount of **CI\$35,000.00** (thirty five thousand Cayman Islands dollars) plus any amounts collected after the filing of this Writ and Statement of Claim.
12. The Defendant has, without permission from the Plaintiffs, taken full control and has been wrongfully and unlawfully occupying the said property at No. 3 Neon Close, Mount Pleasant, West Bay, Grand Cayman from 2nd June, 2023 to present.
13. The Defendant has refused to vacate the said premises despite been told to do so on numerous occasions since 2nd June, 2023.
14. The Defendant is trespassing on property belonging to the estate, being the said property at No. 3 Neon Close, Mount Pleasant, West Bay.
15. The Plaintiff is entitled to, and claims interests pursuant to the Judicature Law on the amounts found to be due at such rate and for such period as the Court thinks fit.

AND THE PLAINTIFFS CLAIM:

- (i) The sum of CI\$35,000.00;
- (ii) That the Caveat be dismissed;
- (iii) That the Defendant immediately vacates the estate property;
- (iv) That Letters of Administration be granted to the Plaintiffs;
- (v) Pre-Judgment and Post Judgment Interests;
- (vi) Any other order deems just; and
- (v) That the Defendant pays the Plaintiffs' Costs of these proceedings.

Dated this 19th day of June, 2024

Facey-Clarke & Associates Ltd.

Facey-Clarke & Associates, Ltd.

Attorneys-at-Law for the Plaintiffs

This Writ and Statement of Claim was issued by Facey-Clarke & Associates Ltd., Attorneys-at-Law for the Plaintiffs herein whose address for service is that of the said Attorneys-at-Law, George Town, Grand Cayman, email: mclarke@candw.ky. For service or delivery of documents please call (345) 917-6351

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**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give that Attorney 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 judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

2. State whether the Defendant intends to contest the proceedings

yes no

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

yes no

Service of the Writ is acknowledged accordingly

(Signed).....
Attorney for the Defendant or Defendant if in person

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.

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

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of that Plaintiff's name, address and reference, if any, in the box below.

Facey-Clarke & Associates Ltd.
P.O. Box 2545
Grand Cayman KY1-1104
George Town, Grand Cayman
(Tel: 345 917 6351)
Email: mclarke@candw.ky
For service or delivery of documents please call (345) 917-6351 or email mclarke@candw.ky

Indorsement by defendant's Attorney (or by defendant if suing in person) of that defendant's name, address and reference, if any, in the box below.

Form No. 8**Acknowledgment of Service of Writ of Summons (O.12, r.3)**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

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 the Defendant's Acknowledgment of Service that the Defendant intends to contest the proceedings must also serve a defence on the attorney for the plaintiff (or on the plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve that Defendant's defence within the appropriate time, the Plaintiff may enter judgment against the Defendant without further notice.

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 the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's 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

Please complete overleaf



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 the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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.

