



**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. 473 OF 2000**

**BETWEEN: THE PROPRIETORS STRATA PLAN NO. 155  
(A CORPORATION)**

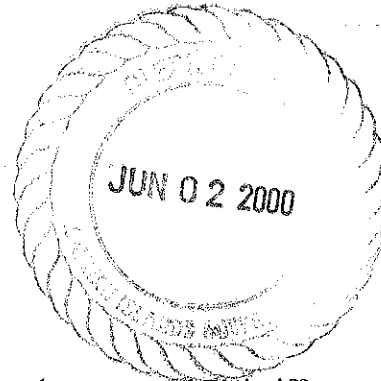
**Plaintiff**

**AND: VERA CARBALLO**

**Defendant**

**WRIT OF SUMMONS**

**To: Vera Carballo  
Apartment No. 43  
Randyke Gardens**



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

**Within** fourteen (14) days after 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 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 Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued the 2nd day of June, 2000.

**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 Acknowledgement of Service are given with the accompanying form.

## STATEMENT OF CLAIM


1. The plaintiff is a Strata Corporation ("the Corporation") created under the relevant laws of the Cayman Islands and by its By-Laws which said Corporation came into existence on the 19th July, 1991 when Strata Plan No. 155 was registered in the Cayman Islands Registry. The Corporation is the statutory corporation formed by all the proprietors of the strata lots contained in the strata plan more commonly known as Randyke Gardens, George Town, Grand Cayman.
2. The defendant is the registered proprietor of one of the lot strata lot contained in the Randyke Gardens strata plan, namely Apartment No. 43 Randyke Gardens which is more particularly described in the Cayman Islands Land Registry as registration section George Town, Block 20E Parcel 310a and 310H1 to 310H30, inclusive.
3. By reason of Section 6 of the Strata Titles Registration Law (1996 Revision) Corporation is empowered to establish a fund for, inter alia, administrative expenses, management and administration of the common property, insurance and repairs, and is further empowered to levy contribution from the proprietors of the Strata.
4. By paragraph 41(b) and (c) of the Corporation by-laws, the defendant is obliged to pay inter alia, all charges, outgoings and assessments made by the plaintiff and which are payable in respect of the Strata Lot.
5. Every month the plaintiff sends to the defendant a statement detailing the sums due from the defendant in relation to her share of the Corporation charges, outgoings and assessments in respect of the Strata Lot.

6. Despite the delivery of the statements the defendant has failed to discharge in a timely basis the sums due to the Corporation.
7. By the said statements, various letters of demand and in particular, a hand delivered letter dated 29th February, 2000, in which the plaintiffs wrote requesting payment of \$2,400.50 from the defendant, arrears due to the Corporation as of the 31st December, 1999 the outstanding balance due to the Corporation but she has failed to pay.

**And the plaintiff claims:**

1. \$2,400.50 being the amount due in arrears as of 31st December, 1999.
2. Such other or further sums as may have accrued and/or due to the plaintiff at the time of trial
3. Interest on the outstanding balance at the rate of 4% above prime rate being the rate stipulated in the Corporation's By-Laws, to be imposed on outstanding balances.
4. Costs as taxed or agreed.

Dated this 2nd June, 2000.

  
\_\_\_\_\_  
Neville W. Levy & Associates

**INDORSEMENT**

The amount claimed in respect of the debt is CI\$2,400.50 as principal and CI\$374.72 as interest until the issue of the writ of summons for a total amount of CI\$2,775.22. The amount of the fixed costs is \$500.00

and the costs of issuing the writ of summons is \$150.00. If, within the time for returning the acknowledgement of service, the defendant **pays the plaintiff's attorneys-at-law** the total amount claimed in principal and interest, the fixed costs and the costs of issuing of the writ of summons, further proceedings will be stayed. The money must be paid to the plaintiff's attorneys-at-law at the Nevlaw Building, 180 Shedden Road.

**STATEMENT REGARDING INTEREST**

- i. The rate of interest on monthly balances from 1st January, 1999 to 31st December, 1999 is calculate at 12% per annum (taking prime rate as 8%)
- ii. The rate of interest on \$2,400.50 from 1st January to 2nd June, 2000 is 12% per annum
- ii. The date from which interest is calculated is from 1st January, 1999 to 2nd June, 2000.
- iii. The total interest claimed as at the date of issuance of this Writ of Summons is \$374.72
- iv. The amount of interest accruing each day following the issue of this Writ is \$0.79

Filed by Neville W. Levy & Associates, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of the said Attorneys at the NevLaw Building, Shedden Road, P.O.Box 2178, Grand Cayman.

**Schedule of Interest Calculated**

**Year 2000**

January	$\$1592.00 \times .12 \times 31/365$	= \$16.22
February	$\$1678.00 \times .12 \times 29/365$	= \$15.99
March	$\$1764.00 \times .12 \times 31/365$	= \$17.97
April	$\$2562.50 \times .12 \times 30/365$	= \$25.27
May	$\$2648.50 \times .12 \times 31/365$	= \$26.99
June	$\$1884.50 \times .12 \times 30/365$	= \$18.58
July	$\$1970.50 \times .12 \times 31/365$	= \$20.08
August	$\$2056.50 \times .12 \times 31/365$	= \$20.95
September	$\$2142.50 \times .12 \times 30/365$	= \$21.13
October	$\$2228.50 \times .12 \times 31/365$	= \$22.71
November	$\$2314.50 \times .12 \times 30/365$	= \$22.82
December	$\$2400.50 \times .12 \times 31/365$	= \$24.48
1/1 - 2/6	$\$2400.50 \times .12 \times 154/365$	= \$121.53
<b>Total</b>		<b>= \$374.72</b>

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BETWEEN: **THE PROPRIETORS STRATA PLAN NO. 155**  
**(A CORPORATION)** **PLAINTIFF**

AND: **VERA CARBALLO** **DEFENDANT**

**ACKNOWLEDGEMENT OF  
SERVICE OF WRIT OF SUMMONS**

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

1. 1. Vera Carballo
2. State whether the Defendant intend to contest the proceedings. (tick "yes" or "no")
3. State whether the Defendant intend to apply for a stay of execution judgement entered by the Plaintiff. (tick "yes")

Service of the Writ is acknowledged accordingly

Signed:

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Defendant in person.

Address for service:

## **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. A defendant may not act by a foreign Attorney.

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

Neville W. Levy & Associates  
NevLaw Building,  
Shedden Road George Town.  
P.O. Box 2178.

Indorsement by Defendant's Attorneys (or by defendants if suing in person) of her name, address and reference , if any, below.