

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 94 OF 1996

BETWEEN: PROPRIETORS STRATA PLAN NO. 155
RANDYKE GARDENS LIMITED PLAINTIFF

AND: RANDYKE GARDENS LTD. DEFENDANT

WRIT OF SUMMONS

TO: RANDYKE GARDENS LTD.
C/O ITS REGISTERED OFFICE
MAPLES & CALDER
P.O. BOX 309G
UGLAND HOUSE, GEORGE TOWN

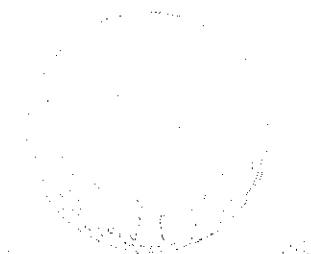


THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ of Summons on you, counting the days of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, 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 judgment may be entered against you forthwith without further notice.

Issued this 1 day of March 1996.



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.

INDORSEMENT

The Plaintiff's claim is against the Defendant to recover the sum of CI\$5,238.00 being the overdue balance on account in respect of maintenance/strata fee and insurance premiums due to the Plaintiff by the Defendant in connection with Apartment No. 67 pursuant to the Plaintiff's Strata By-Laws.

STATEMENT OF CLAIM

1. The Plaintiff is a duly incorporated Strata Corporation registered in accordance with the Strata Titles Registration Law, 1973 as Proprietors Strata Plan No. 155 having cause to

manage, administer and insure the common property situate at Registration Section George Town East, Block 20E, Parcels 310H1 thru 310H80 inclusive, hereinafter referred to as "Randyke Gardens Apartments".

2. The Defendant is a duly incorporated Cayman Islands company having its registered office situate at Maples & Calder, P.O. Box 309G, Ugland House, Grand Cayman. It was the Developer of the Randyke Gardens Apartment and it remains in possession of certain units including Unit number 67 as registered proprietor and is hereinafter referred to as apartment number 67.
3. The Plaintiff's powers pursuant to its Strata By-laws are performed by an Executive Committee who are democratically elected from proprietors whose contributions to the Plaintiff's Administrative Fund are fully paid up.
4. Pursuant to its rights and duties, the Plaintiff acting through its Executive Committee inter alia control, manage and administer Randyke Gardens Apartments for the benefit of all proprietors; pay all existing and future rates and assessments and outgoings, as well as insure Randyke Gardens Apartments which consist of each and every strata lot including Apartment number 67 and its common property.

5. In accordance with The Plaintiff's strata bye-laws, it is the duty of each and every proprietor of a unit in the Randyke Gardens Apartment to inter alia, pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his [or her] strata lot; to the Corporation in accordance with the demand/instructions of the Executive Committee.

6. On or about June 1995, the Plaintiff acting through its Executive Committee and in accordance with its bye-laws, caused the monthly levy due from each proprietor as strata fees to be increased from CI\$60.00 per month to CI\$86.00 per month commencing 31st July, 1995 and caused notice to this effect to be served on each and every proprietor, including the Defendant.

7. Furthermore the annual insurance premium in respect of coverage of Randyke Gardens Apartments expired on 30th June, 1995 and the Plaintiff caused notice of the same to be served by pre-paid registered mail on each and every proprietor including the Defendant that the sum of CI\$785.00 was due and owing by the Defendant to the Plaintiff in this regard.

8. The Defendant has not paid his insurance premium either for 1994-95, or for 1995-96 despite numerous demands both in

writing and orally by the Plaintiff and the Plaintiff's attorney-at-law.

9. Accordingly the Plaintiff, in order to comply with its obligations as described in paragraph 4 above was forced to cover the insurance of Randyke Gardens Apartments for 1995-1996 by arranging for financing of the insurance premium through its insurance company and has accordingly been charged a finance/late charge on each and every unit whose premium was not paid in full on demand.
10. Furthermore the Defendant has not regularly contributed to the cost of upkeep of Randyke Gardens Apartments in accordance with the monthly levy of Strata Fees, or otherwise.

AND THE PLAINTIFF CLAIMS:-

1. Insurance premium for coverage of Apt. 67 from July 1994 through June 1995 of CI\$1000.00 and from July 1995 to June 1996 of CI\$785.00;
2. Late and/or finance charges levied by the insurance company in regards to the latter described insurance premium in paragraph 1 above of CI\$65.00;
3. Strata fees of CI\$3,388.00;
4. Interest thereon at the rate of 8 3/8% per annum from the date of judgment until satisfaction;

5. Fixed costs pursuant to Order 62 r1(b) of CI\$250.00 and the cost of filing this Writ of CI\$115.00.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$5,238.00 plus interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or its attorney.

Charles Adams, Ritchie & Duckworth
CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF

This Writ was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies.

/wle/randyke/writ.unit67

BETWEEN: PROPRIETORS STRATA PLAN NO. 155
 RANDYKE GARDENS LIMITED PLAINTIFF

AND: RANDYKE GARDENS LTD. DEFENDANT

ACKNOWLEDGMENT 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 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 (tick appropriate box)

yes no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he 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 (tick box)

yes

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

