

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 896 of 2000

BETWEEN: THE PROPRIETORS, STRATA PLAN NO. 184 PLAINTIFF

AND: RAYMOND EBANKS FIRST DEFENDANT

AND: ANNA EBANKS SECOND DEFENDANT

WRIT OF SUMMONS

TO: Mr. Raymond Ebanks
Ms. Anna Ebanks
P.O. Box 265 WB
Grand Cayman, Cayman Islands



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 5th day of December 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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The plaintiff is the strata corporation for the proprietors of strata plan no. 184 (hereinafter the "Corporation").
2. The defendants are the registered owners of the strata unit having Registration Section West Bay North West, Block 4E Parcel 600H2 (hereinafter the "Unit").
3. The Corporation has duty, pursuant to Section 6(1) of the Strata Titles Registration Law (1996 Revision) (hereinafter the "Law") to keep in a state of good and serviceable repair and properly maintain the common property.
4. Pursuant to section 6(2) of the Law, the Corporation has the power to establish a fund for administrative expenses, to determine the amounts to be raised for the fund and to raise the amounts so determined by levying contributions on the proprietors.
5. Pursuant to section 1(b) of the First Schedule to the Law, the proprietor has a duty to pay all rates, taxes, charges, outgoings and assessments that may be payable in the respect of the Unit.
6. The by-laws of the Corporation, in the Second Schedule, impose a duty on the Corporation to maintain the common property (section 3(h)), to establish and maintain a fund for administrative expenses (section 3(a)), and grant the Corporation power to do all things necessary for the enforcement of the by-laws.
7. The by-laws of the Corporation, in the Second Schedule, impose a duty on a proprietor (the Defendants) to pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of the Unit (section 5(2)) and to pay to the Corporation, within 14 days of demand, his pro rata shares of all money necessary to establish and maintain the fund for administrative expenses (section 5(3)).
8. On 21st April 1996, at an extraordinary meeting of Unit owners, it was resolved unanimously that the contribution of unit owners, including the Defendants, to the fund would be C\$75.00 per month (hereinafter the "Monthly Assessment"). This amount has remained in effect to the present day.
9. The Defendants have not paid the Monthly Assessments from 1st March 1996 to the present despite being provided monthly statements (demands). The amount owing by the Defendants is, as of 30th November 2000, C\$5,623.36, including finance charges.

10. The Corporation claims:

- (a) An order for payment by the Defendant of the sum of CI\$5,623.36.
- (b) Pre-judgment interest at the rate of 12% per annum pursuant to the contract between the Corporation and the Defendant (clause 5(38) of the Second Schedule to the by-laws);
- (c) Post-judgment interest at the rate of 12% per annum;
- (d) Costs of the Prescribed Filing Fee of CI\$150.00 and Fixed Costs CI\$250.00, alternatively costs to be assessed; and
- (e) Such further and other order as to this Honourable Court may seem just.

Total Amount as of 5th December 2000

CI\$6,023.36

STATEMENT REGARDING INTEREST:

1. The rate of interest claimed is 12% per annum pursuant to the contract (as aforesaid).
2. The date(s) from which interest is calculated is 1st March 1996.
3. The total amount of interest claimed as at 5th December 2000 is CI\$1,186.39.
4. The amount of interest accruing each day thereafter is CI\$1.45.

If, within the time for returning the acknowledgment of service, the defendant(s) pays the total amount claimed of CI\$6,023.36 (including interest and costs) further proceedings will be stayed. The money must be paid to the plaintiff's attorney.

Orren Merren & Company

 ORREN MERREN & COMPANY
 Attorneys-at-Law for the PLAINTIFF

This Writ was issued by Messrs. Orren Merren & Company, the attorneys-at-law for the Plaintiff, whose address for service is Kirk House, Third Floor, Albert Panton Street, P.O. Box 481G, Grand Cayman, Cayman Islands, British West Indies.

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 his Acknowledgment of Service that he 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 endorsed 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 endorsed 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 his defence within the appropriate time, the Plaintiff may enter judgment against him 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 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, 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

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 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.

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AND: RAYMOND EBANKS FIRST DEFENDANT

AND: ANNA EBANKS SECOND 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:

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. A Defendant may not act by a foreign attorney.

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

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

Orren Merren & Company Attorneys-at-Law P.O. Box 481G Kirk House 3rd Floor Albert Panton Street Grand Cayman, B.W.I.

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

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(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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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.

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

Orren Merren & Company Attorneys-at-Law P.O. Box 481G Kirk House 3rd Floor Albert Panton Street Grand Cayman, B.W.I.

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

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