

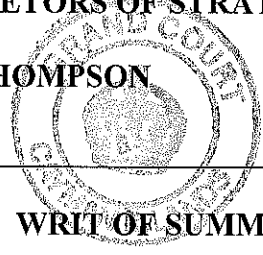


IN THE GRAND COURT OF THE CAYMAN ISLANDS

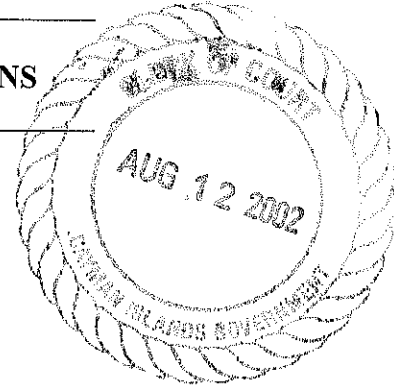
CAUSE NO. 609 OF 2002

BETWEEN: THE PROPRIETORS OF STRATA PLAN NO. 45 PLAINTIFF

AND: MICHAEL THOMPSON DEFENDANT



WRIT OF SUMMONS



**TO: Mr. Michael Thompson
Unit No. 128,
P.O. Box 1637
George Town,
Grand Cayman.**

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, PO 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 judgement may be entered against you forthwith without further notice.

Issued this day of August, 2002.

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 and was at all material times a Strata Corporation established pursuant to Section 5 Strata Titles Registration Law (the "Strata Company"). The Strata Company is the entity through which the Cook Quay and Drake Quay Condominiums, known as "Strata Plan No. 45", are owned.
2. The Strata Company is administered and, in turn, administers the Strata Plan No. 45 Condominiums pursuant to by laws (the "By Laws") as they may be amended from time to time.
3. The Defendant is the proprietor of Condominium No. 128 at Strata Plan No. 45. Pursuant to the By Laws, the Defendant, as a proprietor of Condominium No. 128, has the following obligations:

"34 (2) Pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot;

(3) Pay to the Corporation within 14 days of demand;

(a) all contributions necessary to establish and maintain a fund for administrative expenses sufficient, in the opinion of the Corporation for the control, management and administration of the common Property, for the payment of insurance premiums and for the discharge of any of the other obligations of the Corporation;

(b) all other costs and expenses incurred by the Corporation in connection with the performance of its duties under the Law and under these Bye Laws.

PROVIDED ALWAYS THAT:

(a) in the event of such payment not being made within 14 days of such demand he shall pay interest thereon at the rate of two percent (2%) p.a. (per annum) above the prime lending rate for commercial banks in the Cayman Islands at the time of default which such interest shall accrue from day to day until payment, and ...

(b) in the event of any such payments (together with interest accrued) not being made within 60 days of such demand or in the event of his becoming bankrupt or making composition with his creditors or being a corporation entering into liquidation then in any of these events he shall and does hereby irrevocably authorise and permit the Corporation to enter into possession of his Strata Lot and further does hereby irrevocably appoint the Corporation to enter into possession of his Strata Lot and further does hereby irrevocably appoint the Corporation to be the receiver of the rents and profits of his Strata Lot in each case until such time as the said payments (together with interest accrued) have been made by him to the Corporation pursuant to the appointment aforesaid .”

4. In accordance with the By Laws the following invoices for fees payable by the Defendant as the registered proprietor of Condominium No. 128 (“the Fees”) have been rendered. Despite demand, the fees remain due and payable.

PARTICULARS

For the period between 1st September 2000 and 31st July 2002:

Strata Fees	US\$6,691.96
Sewer Fees	US\$1,543.36
Cable Charges	US\$758.70
Insurance Fees	US\$7,521.21
Interest Charges	US\$1, 048.04
Returned Cheque Fee	<u>US\$30.00</u>
Net sum due	US\$17,593.75

5. The Plaintiff claims from the Defendant the sum of US\$17,593.75 being the total outstanding Strata Fees in relation to Condominium No. 128.

6. The Plaintiff claims interest on the aforementioned outstanding Strata Fees at the rate of 9% per annum.
7. Alternatively the Plaintiff claims interest pursuant to Section 34 Judicature Law at such rates as the Court shall think fit.

AND THE PLAINTIFF CLAIMS:

1. Damages in the sum of US\$17,593.75.
2. Interest at the rate of 9% per annum until date of payment in full.
3. Alternatively interest at such rate, as the Court shall think fit.
4. Costs.
5. Such further relief.

Dated this 12th day of August 2002



CAMPBELLS
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And to: Mr. Michael Thompson
Unit No. 128,
P.O. Box 1637
George Town,
Grand Cayman.

THIS WRIT OF SUMMONS is filed by Campbells attorneys-at-law for the Plaintiff whose address for service is of Fourth Floor, Scotiabank Building, George Town, Grand Cayman (File No.09602/JRM/d-msd).

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 495, 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 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 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 installments or otherwise.

See over for notes for guidance

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 his 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.

BETWEEN: THE PROPRIETORS OF STRATA PLAN NO. 45 PLAINTIFF
AND: MICHAEL THOMPSON 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 the Defendants whereby they 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.

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

Campbells (Ref: JRM)
P.O. Box 884,
George Town,
Grand Cayman

Tel: 949 – 2648
Fax: 949 – 8613

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