

IN THE GRAND COURT OF THE CAYMAN ISLANDS

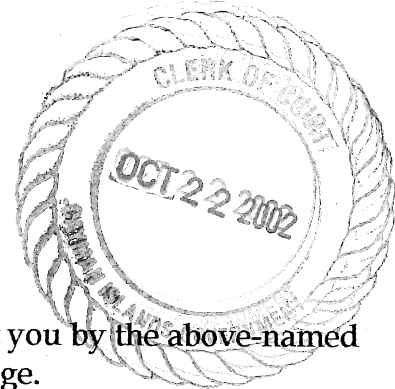
768 ✓  
CAUSE NO. OF 2002

BETWEEN THE PROPRIETORS, STRATA PLAN NO. 43 PLAINTIFF

AND THE PROPRIETORS, STRATA PLAN NO. 205 DEFENDANT

WRIT OF SUMMONS

TO: *The Proprietors Strata Plan No. 205*  
*West Bay Road,*  
*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 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 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 21<sup>st</sup> day of October 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**

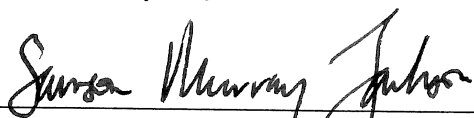
Directions for Acknowledgement of Service are given with the accompanying form.

INDORSEMENT

The Plaintiff's claim is for:

1. A Declaration that the Plaintiff is entitled to enjoy the easement registered on the 31<sup>st</sup> day of July 2002 in favour of the Plaintiff's land, namely Registration Section West Bay South, Block 13B, Parcels 125H1-96 against the Defendant's property, namely Parcel 206 of West Bay South, Block 13B and that the Defendant is not entitled to impede or interrupt the Plaintiff's enjoyment of such easement.
2. An injunction to restrain the Defendants whether by themselves, their servants or agents or otherwise howsoever from interrupting, impeding or interfering with the enjoyment of such easement.
3. An Order requiring the Defendant forthwith to pull down, demolish and remove so much of the fence erected by the Defendant upon Registration Section West Bay South, Block 13B, Parcel 206 or alternatively an Order permitting the Plaintiff to pull down, demolish and remove the said fence insofar as it impedes the Plaintiff's enjoyment of such easement at the expense of the Defendants.
4. Damages.
5. Further and such other relief as the Court deems just.
6. Costs.

Dated this <sup>14<sup>th</sup></sup> day of October 2002.

  
\_\_\_\_\_  
Samson Murray Jackson  
Attorneys-at-Law for the Plaintiff

THIS WRIT OF SUMMONS was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of their said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman.

BETWEEN THE PROPRIETORS, STRATA PLAN NO. 43 PLAINTIFF

AND THE PROPRIETORS, STRATA PLAN NO. 205 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 he may have to pay the costs of applying to set it aside.

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

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement 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 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 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:*

SAMSON MURRAY JACKSON  
Attorneys-at-Law for the Plaintiff  
P.O. Box 10067 APO  
Sigma Building,  
Smith/Hospital Roads,  
George Town, Grand Cayman.

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

[Empty box for Defendant's Attorney indorsement]

## DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS.

1. The accompanying form of *Acknowledgement 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 Acknowledgement 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 judgement is served on the Defendant.

If the defendant fails to serve his defence within 9the appropriate time, the Plaintiff may enter judgement 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 judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 Acknowledgement 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 a ( )" 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.