

THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 4 OF 2003

BETWEN: THE PROPRIETORS, STRATA PLAN 245
AND: JACLYN CARDENAS- DOUGLAS
AND: ARGELIA HYDES

PLAINTIFF
FIRST DEFENDANT
SECOND DEFENDANT

WRIT OF SUMMONS

TO: JACLYN CARDENAS- DOUGLAS AND ARGELIA HYDES
P.O. Box 211, Bodden Town, Grand Cayman, Cayman Islands
Lil Spot Villas, Number 7, North Side

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 495G, George Town, Grand Cayman, the accompanying Acknowledge of Service stating therein whether you intend to contest these proceedings.

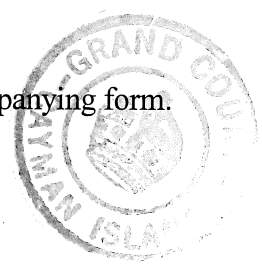
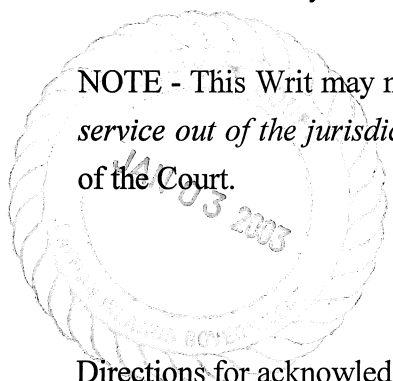
If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of January 2003

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 body corporate created, on 01 July 1998, pursuant to the Strata Titles Registration Law (1996 Revision) (hereinafter the "Law") as The proprietors, Strata Plan 245. The Plaintiff's mailing address is c/o BCQS Property Management Ltd. , P.O. Box 871GT, Grand Cayman, Cayman Islands. The strata development of the Plaintiff, where the defendants live, is called "Lil Spot Villas".
2. The Defendants are the registered owners, each as to one-half share, with title private absolute of the strata unit in Registration Section Midland East, Block 57A, Parcel 109H7 (hereinafter the "Unit 7"). The defendants became the owners of the Unit 7 on 20 July 1998.
3. On 20 December 2000 the proprietors resolved that the monthly strata fee would be CI \$ 164.25 per month (hereinafter the "strata fee") and that water would be billed individually to the unit owners, including Unit 7.
4. The Defendants, starting on 01 October 2000 and continuing thereafter, in breach of the by-laws outlined in the First Schedule of the Law and in the registered by-laws (registered as of 20 July 2001), have consistently been in arrears of the payment of the strata fee and the water charges in respect of Unit 7.
5. Monthly statements showing the arrears have been provided to the Defendants. The last statement, dated 28 November 2002, showed the arrears as CI \$ 3,182.07, including interest charges of CI \$ 93.10.
6. Many demands have been made to the Defendants, without success, to pay the arrears owing from time to time; some of the demands were 20 March 2002, 25 April 2002, and 08 July 2002.

THIS WRIT was issued by C.S. Gill & Co, Attorneys-at-Law, whose address for service is 4th Floor, Genesis Building, P.O. Box 945, George Town, Grand Cayman, B.W.I.

7. Therefore, the Plaintiff claims from the Defendants:

- (a) the principal amount of CI \$ 3,088.97;
- (b) interest on the aforementioned sum in accordance with section 34 of the Judicature Law (2002 Revision):
 - (i) the prescribed rate is 4.5% per annum;
 - (ii) the date from which interest is calculated is April 2002 2002;
 - (iii) the total amount of interest owing as of the date of issue of the writ of summons is CI \$ 147.10;
 - (iv) the amount of interest accruing each day thereafter is CI \$.38 per day;
- (a) fixed costs of CI \$ 250.00;
- (b) the amount of CI \$ 150.00 paid to issue the writ of summons;
- (c) and such further and other remedy as to this Honourable Court may seem just.

If, within the time for returning the Acknowledgement of Service, the Defendants pay the total amount claimed of CI \$ 3,635.07 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.

[Signature of Plaintiff or his Attorney]

TO: JACLYN CARDENAS-DOUGLAS and ARGELIA HYDES, P.O. Box 211,
Bodden Town, Lil Spot Villas, Number 7, North Side, Grand Cayman

THIS WRIT was issued by C.S. Gill & Co, Attorneys-at-Law, whose address for service is 4th Floor, Genesis Building, P.O. Box 945, George Town, Grand Cayman, B.W.I.

Acknowledgment of service of writ of summons (O.12, r.3)

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 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 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.

BETWEEN: THE PROPRIETORS, STRATA PLAN 245 PLAINTIFF

AND: JACLYN CARDENAS-DOUGLAS FIRST DEFENDANT

AND: ARGELIA HYDES 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 of Summons 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 of Summons is acknowledged accordingly

(Signed)

[Attorney] for

[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, 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.

C.S.GILL & CO PO Box 945 George Town Grand Cayman
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Indorsement 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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