

IN THE GRAND COURT OF THE CAYMAN ISLANDS

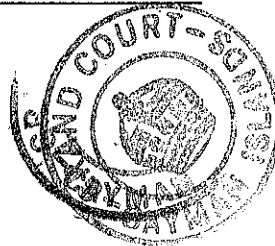
CAUSE NO. 367 OF 1996

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

AND: IDOLLY ZUNIGA  
AND: VERNITA ZUNIGA DEFENDANTS

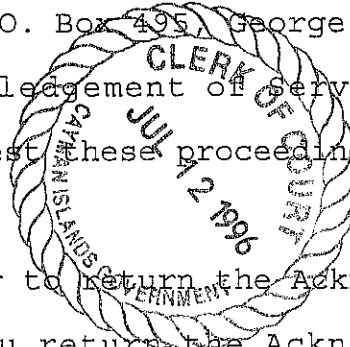
WRIT OF SUMMONS

TO: IDOLLY ZUNIGA and  
VERNITA ZUNIGA  
c/o P.O. BOX 1185  
GEORGE TOWN  
GRAND CAYMAN



THIS WRIT OF SUMMONS has been issued against you by the abovenamed 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<sup>st</sup> day of July 1996.

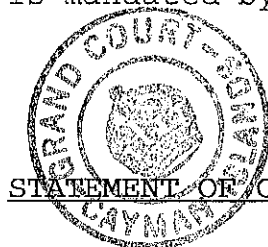
NOTE:- This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by Order of the Court.

**IMPORTANT**

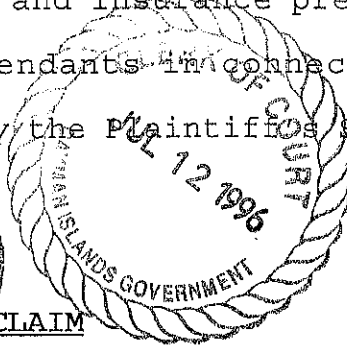
Directions for Acknowledgement of Service are given with the accompanying form.

**INDORSEMENT**

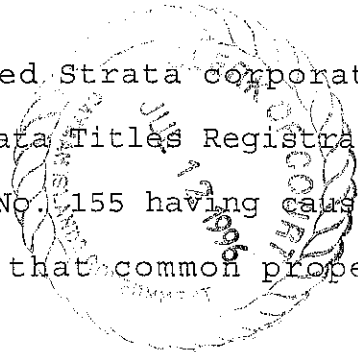
The Plaintiff's claim is against the Defendants to recover the sum of CI\$2,231.00 being the overdue balance on account in respect of maintenance/strata fees and insurance premiums and Special Assessments due by the Defendants in connection with Apartment number 41 as is mandated by the Plaintiff's Strata By-Laws.



STATEMENT OF CLAIM

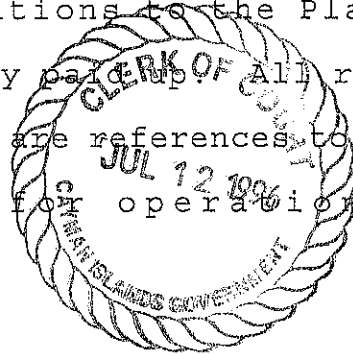


1. The Plaintiff is a duly incorporated Strata corporation registered in accordance with the Strata Titles Registration Law, 1973 as Proprietors Strata Plan No. 155 having cause to manage, administer and insure all that common property

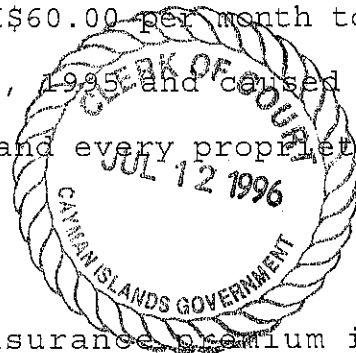


situate at Registration Section: George Town East, Block: 20E, Parcels: 310H1 thru 310H80 inclusive, commonly referred to as Randyke Gardens Apartments.

2. The Defendants are persons legally resident in the Cayman Islands whose address for service is c/o P.O. Box 1185, George Town, Grand Cayman. They are the registered proprietors of unit number 41 in Randyke Gardens Limited (hereinafter referred to as "Apartment number 41").
3. The Plaintiff's powers are performed by an Executive Committee who are democratically elected from those proprietors whose contributions to the Plaintiff's Administrative Fund are fully paid. All references herein to the Strata Bye-Laws are references to the Legal mandate and mechanism for operation of the Plaintiff/Executive Committee.
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, assessments and outgoings as well as insure Randyke Gardens Apartments which consist of each and every strata lot (including Apartment number 41) and its common property.

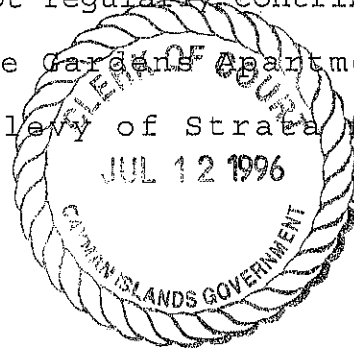
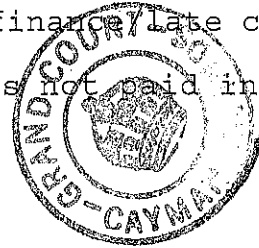


5. Incidental to the powers and duties as described in paragraph 4 above, it is the duty of each and every proprietor of a unit in Randyke Gardens Apartments to (inter alia), pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his [or her] strata lot in accordance with the instructions/demands made by the Plaintiff.
  
6. On or about June 1994, the Plaintiff by prepaid registered mail sent notice to each and every proprietor including Apartment number 41 of the fact that insurance levy due from each proprietor for 1994-1995 coverage was in the sum of CI\$1,000.00.
  
7. 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 of the same to be served on each and every proprietor, including the Defendants.
  
8. Furthermore the annual insurance premium in respect of coverage of Randyke Garden Apartments expired on 30th June, 1995. The Plaintiff by prepaid registered mail advised each and every proprietor including the Defendants that the sum



of CI\$785.00 was due and owing in this regard.

9. The Defendants have not paid their insurance premium for either 1994-1995 or for 1995-1996 despite numerous demands both in writing and orally by the Plaintiff and the Plaintiff's Attorney-at-Law.
10. Accordingly the Plaintiff 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 incurred a finance/late charge on each and every unit whose premium was not paid in full on demand.
11. Furthermore the Defendants have not regularly contributed to the costs of upkeeping Randyke Gardens Apartments in accordance with the monthly levy of Strata fees or otherwise.



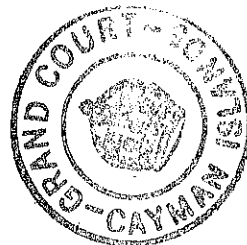
**AND THE PLAINTIFF CLAIMS:-**

1. Insurance premium for coverage of Apartment 41 from July 1994 to June 1995 of CI\$1,000.00 and from July 1995 through June 1996 of CI\$785.00;
2. Late and/or finance charges levied by the insurance company in regards to paragraph 1 above of CI\$65.00;
3. Strata fees of CI\$381.00;

4. Interest thereon at the rate of 7 3/8% per annum from the date of judgement until satisfaction;
5. Fixed costs pursuant to Order 62 r. 1 (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 Defendants pay the total amount claimed of CI\$2,231.00 plus interest and fixed costs of CI\$250.00 and cost of filing Writ of CI\$115.00 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.

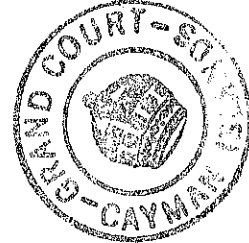
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RANDYKE GARDENS LIMITED PLAINTIFF

AND: IDOLLY ZUNIGA  
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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 judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

\_\_\_\_\_ yes

\_\_\_\_\_ no

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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:

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.

Charles Adams, Ritchie & Duckworth  
Attorneys-at-Law  
P.O. Box 709  
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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FILED BY: CHARLES ADAMS, RITCHIE & DUCKWORTH, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

## 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 tread 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 HIW 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.