

IN THE GRAND COURT OF THE CAYMAN ISLANDS

443
CAUSE NO. OF 2005

BETWEEN:



THE PROPRIETORS STRATA PLAN NO. 215

PLAINTIFF

AND



B & H CORPORATION

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant of P.O. Box 10340 APO, 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 28 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, PO Box 495 GT 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.

NOTE – This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

Issued this day of September 2005.

IMPORTANT

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

See overleaf for particulars of Plaintiff's claim.

STATEMENT OF CLAIM

1. The Plaintiff are the Proprietors of Strata Plan No. 215 who became a body corporate under Section 5 of the Strata Titles Registration Law (1996 Revision) on registration of the Strata Plan.
2. B & H Corporation is a company validly incorporated under the laws of the Cayman Islands. B & H Corporation became a proprietor of Strata Lot No. 215 when on 25th August 2000 they purchased Villa No. 2-005 at Britannia King's Court. This villa forms part of the Strata Plan.
3. The management and administration of Strata Plan No. 215 is governed by the By-Laws that were lodged with the Registrar.
4. Under Clause 33(3) of the Registered By-Laws it is provided that the proprietors must pay to the corporation all contributions necessary to maintain and establish a fund for the administrative expenses and to pay all other costs incurred by the corporation pursuant or in connection with the performance of its rights and duties under the By-Laws.
5. Under Clause 33(3) it also provides that in the event of any payment not being made within 21 days of the demand the proprietor shall pay interest at the rate of 2% per annum above the London Inter-Bank Offered Rate for US\$ at the time of the default and interest shall accrue from day to day until payment.
6. On 12th May 2005 a demand letter was sent to the Defendant asking for payment of outstanding strata fees.
7. On 8th June 2005 it was resolved by the Executive Committee of Strata Plan No. 215 that the strata fees owed by B & H Corporation was due and owing.
8. On 1st August 2005 a letter was served by Ritch & Conolly by registered post on B & H Corporation. This letter advised B & H Corporation that they now owed the sum of US\$69,486.36 in respect of unpaid strata fees. The Plaintiff has not received any payment since the demand letter of 1st August 2005.


AND THE PLAINTIFF CLAIMS:-

1. Payment of the sum of US\$69,486.36.
2. Interest on the sum of US\$69,486.36 at the rate of 2% above the LIBOR rate (3.56) at a daily rate of US\$10.58 from 14th June 2005 (i.e. 21 days after the date of demand) until the date of issue of these proceedings in the sum of US\$1,110.90 and continuing from the date hereof at the said daily rate of US\$10.58.
3. Fixed costs of US\$182.92 and the prescribed filing fee of US\$ 712.19, alternatively costs to be assessed.

4. Further or other relief.

If, within the time limited for acknowledging service of these proceedings, the Defendant pays, to the Plaintiff's Attorneys, the total amount claimed (including interest and costs) further proceedings will be stayed.

DATED this 27th day of September 2005.


RITCH & CONOLLY
Attorneys at Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant of P.O. Box 10340 APO, Grand Cayman

BETWEEN:

THE PROPRIETORS STRATA PLAN NO. 215

PLAINTIFF

AND

B & H CORPORATION

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 no

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.

Ritch & Conolly
P.O. Box 1994 GT
Grand Cayman

Ref: AHP/9725

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