

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **503** OF 2005

BETWEEN:

STRATA CORPORATION No 367

PLAINTIFF

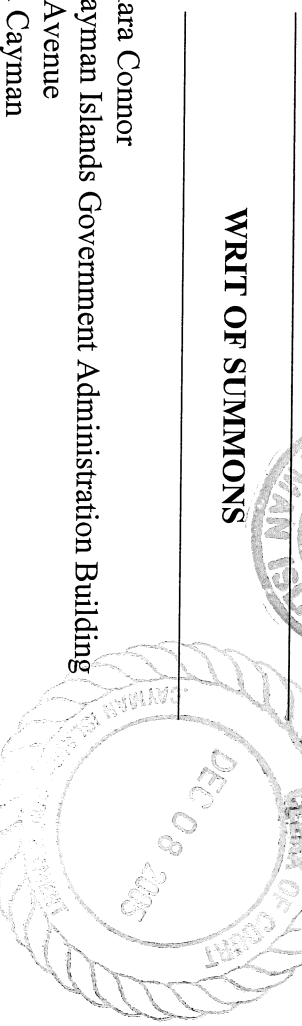
AND:

KARA CONNOR

DEFENDANT



WRIT OF SUMMONS



TO: Ms. Kara Connor
C/o Cayman Islands Government Administration Building
Elgin Avenue
Grand Cayman

AND TO: Ms. Kara Connor
Apartment #6
Whisper Court Apartments
Litigate Court, Spotts
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, P.O. Box, 495GT, George Town, Grand, Cayman, the accompanying Acknowledgement of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the acknowledgment within the time stated, or if you return the acknowledgment 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 December 2005.

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 acknowledgment of service are given with the accompanying form.

STATEMENT OF CLAIM

1. At all material times the Plaintiff is a strata corporation of Whisper Court Apartments (“the Strata”) registered and operating within the laws of the Cayman Islands.
2. At all material times the Defendant was and is the proprietor of the property located at Whisper Court Apartments, formally known as Registration Section Spotts, Block 25C, Parcel Number 239H6 (“the Property”).
3. The Property is one of nine apartments within the Strata.
4. On, or around, 1 October 2003 the Defendant purchased the Property.
5. The Strata has not by unanimous resolution amended or varied its bye-laws. The Strata is therefore controlled, administered, managed and regulated by the bye-laws contained in the First and Second Schedule to the Strata Titles Registration Law (1996 Revision) (“the Bye-Laws”).
6. Section 1(b) of the First Schedule of the Bye-Laws states that the Plaintiff, as proprietor, shall:

“Pay all rates, taxes, charges, outgoings and assessments that maybe payable in respect of [the] strata lot”.
7. The Strata fees of CI\$160.00 are to be paid to the Strata by each and every proprietor on the 1st day of every month (“the Strata Fees”).

8. The Strata Fees are payable by each and every proprietor for the management and administration of the strata lots and common property within the Strata
9. The Defendant refused to pay the Strata Fees to the Strata, pursuant to the Bye-Laws, since the date she purchased the Property.
10. As at 26th October 2005 the amount unpaid and outstanding for the Strata Fees totaled CI\$3,306.00.
11. On, or around, 3rd November 2005 the Defendant agreed and did pay the sum of CI\$1,600.00 to the Plaintiff; further agreeing that two payments of CI\$500.00 would be paid on, or before, 30th November 2005 and 30th December 2005, with a final payment of CI\$546.00 being paid on, or before, 30th January 2005.
12. These installments were in addition to the Strata Fees which had to be paid to the Strata on the 1st day of every month.
13. The Defendant has failed to pay the Strata Fees for 1st November 2005 and 1st December 2005.
14. Since 3rd November 2005 no further payments have been paid by the Defendant.
15. Despite demands the Defendant has refused and failed to make any further payments.
16. As at 8th December 2005 the amount unpaid and outstanding for the Strata Fees totaled CI\$2,026.00.
17. Plaintiff therefore claims the sum of CI\$2,026.00.

AND THE PLAINTIFF claims,


- (a) The sum of C\$2,026.00 for unpaid Strata fees from 1st October 2003 to date;
- (b) Interest calculated pursuant to the Section 34(1) of the Judicature Law (1995 Revision)
- (c) Costs.

If, within the time for returning the acknowledgment of service, the Defendant pays the total amount claimed of C\$2,026.00 (including interest and costs) further proceedings will be stayed.

The money must be paid to the Plaintiff or its Attorney.

Dated the *8th* day of December 2005

Filed the day of December 2005



CAMPBELLS
Attorneys-At-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *SP3* OF 200*4* *5*

BETWEEN:

STRATA CORPORATION No 367

PLAINTIFF

AND:

KARA CONNOR

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

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

3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 yes no

4. 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 N/A

Service of the Writ of Summons is acknowledged accordingly.

(Signed)

[Attorney] for the Defendant.

Address for service: (*see 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 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
Attorneys-at-Law
P.O. Box 885 GT
4th Floor Scotiabank Building
George Town, Grand Cayman
Ref: JVB/BIH/12786

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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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.