

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS

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CICA NO: 13/06  
CAUSE NO: D185/02  
Legal Aid No: 114/02

6 BETWEEN:

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ANNA YVONNE WELDS

Petitioner

9 AND:

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WALTON VANBUREN WELDS

Respondent

13 BEFORE: THE HONOURABLE MADAM JUSTICE LEVERS

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15 APPEARANCES:

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Mrs. K. Reid for the petitioner

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Mrs. S. Brooks for the respondent

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19 Heard on: 5<sup>th</sup> April 2006

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REASONS FOR JUDGMENT

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22 Levers, J.

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24 In this matter, my order purely implemented the order of Justice Henderson and the Clerk

25 of the Courts report. My Lord Henderson had ruled on the substantive issues and the

26 distribution of the matrimonial property. As a result of that, an accounting was

27 undertaken by the Clerk of the Court. The matter came before me because the Appellant

28 had not complied with the order of My Lord Henderson and owed the Respondent a sum

29 of money from the profit of the sale proceeds of the matrimonial property. It would be

30 noted from paragraph 4 of the affidavit in support of the Notice of Motion to Appeal that

1 the appellant claims that this profit realized from the sale of the matrimonial homewas  
2 consumed by indebttness to the Cayman Islands Civil Service Credit Union. Regrettably,  
3 although it was canvassed before him, it was not allowed by My Lord Henderson and I  
4 did not have any jurisdiction to entertain an application at this stage effectively reversing  
5 My Lord Henderson's order, nor indeed, did I have jurisdiction to take into account the  
6 Respondent's behaviour as alleged in paragraph 5 of the affidavit of the Appellant and  
7 the unfairness of the situation as alleged in paragraph 6 of the Appellant's affidavit.

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9 The Appellant's attorney apparently has confused herself in submitting that the evidence  
10 of the unfairness and an unjust distribution is something that I can take into account at  
11 this stage. In the absence of an appeal from My Lord Henderson order, I was unable to  
12 undertake any further enquiries. The amount of money owing is purely a mathematical  
13 calculation and the order of Henderson J. stands. In the circumstances I could do no  
14 more than order that profit from the matrimonial home be paid to the Respondent

15  
16 Dated this <sup>2<sup>nd</sup></sup> day of <sup>October</sup> ~~September~~ 2006

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19 Judge of the Grand Court

