

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ^{G0218} of 2008

BETWEEN: DRUMBLADE APARTMENTS STRATA PLAN NO. 101 Plaintiff
AND: MICHELLE MORGAN Defendant

WRIT OF SUMMONS

To the Defendant: Michelle Morgan
c/o Diamond Law Associates
4th Floor Cardinal Plaza
Cardinal Avenue
P.O. Box 2887
Grand Cayman KY1-1112
CAYMAN ISLANDS



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 fourteen (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, Grand Cayman, the accompanying Acknowledgement of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or fail 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 May 2008**

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

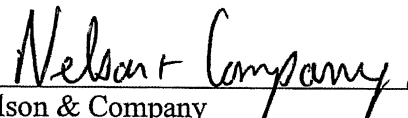
1. The Plaintiff is Strata Plan #101, a body corporate established pursuant to the Strata Titles Registration Law in respect of the development known as the Drumblade Apartments ("the Apartments") and comprises the proprietors from time to time of the individual Strata Lots that make up the Apartments ("Individual Proprietors"). The Defendant is the owner of the Strata Lot known as Unit #21, as comprised under block and parcel number South Sound, Block 15B Parcel 292 in the Cayman Islands Land Register.
2. The Plaintiff is, inter alia, responsible for the insurance, repair, renewal and maintenance of the common property of the Apartments. Individual Proprietors are invoiced by the Plaintiff in respect of maintenance fees, water charges, insurance premiums and special assessments ("the Strata Fees"). Individual Proprietors are responsible for payment to the Plaintiff of the Strata Fees in accordance with the Strata Titles Registration Law (2005 Revision) and the Plaintiff's By-Laws.
3. Under the Plaintiff's By-Laws, the Proprietors are required to pay all Strata Fees within 14 days of demand by the Plaintiff.
4. The Defendant has been in substantial arrears in respect of Strata Fees due on her Unit and has failed to make any payments towards her Strata Fees since September 2004. The Defendant currently owes the Plaintiff as at 31st March 2008 CI\$25,306.11 in respect of unpaid Strata Fees together with interest in accordance with the Plaintiff's By-Laws at a rate of 2% per month compounded on all unpaid sums.

AND the Plaintiff claims:

1. The sum of CI\$25,306.11.
2. Post Judgment interest pursuant to Section 34(1) of The Judicature Law (1995 Revision).
3. Costs.

DATED this 15th day of May 2008

FILED this day of May 2008



Nelson & Company
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And to: The Defendant

This Writ was filed by Nelson & Company, Attorneys-at-Law for the Plaintiff herein whose address for service is 31 The Strand, 46 Canal Point Drive, PO Box 2075, Grand Cayman KY1-1105, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. of 2008

BETWEEN: DRUMBLADE APARTMENTS STRATA PLAN NO. 101 Plaintiff

AND: MICHELLE MORGAN 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

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.

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

Nelson & Company
Attorneys at Law
PO Box 2075
31 The Strand
46 Canal Point Drive
Grand Cayman KY1-1105
CAYMAN ISLANDS
Attn: Steven J. Barrie

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

[Empty box for defendant's attorney indorsement]

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

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.