

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. ⁴⁶² OF 2008

BETWEEN:

PROPRETORS STRATA PLAN # 159

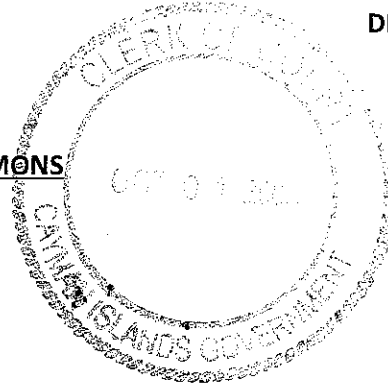
PLAINTIFF

AND

DELLA McCOY

DEFENDANT

WRIT OF SUMMONS



TO: Della McCoy
R26 Silver Oaks

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 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 495G, 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 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 day of October 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 Defendant was at all material times the owner of the property situated at R 26 Silver Oaks, a residential development situated in George Town, Grand Cayman and the subject of the Strata Plan #159.
2. The Plaintiff was at all material times the registered Strata Plan #159 governed by the Strata Corporation Bye-Laws which controls, manages and administers the Common Property of all proprietors within the Silver Oaks residential development situated in George Town, Grand Cayman.
3. Pursuant to Strata Corporation Bye-Law 5 the Defendants obligation is to make strata payments in respect of their Strata lot within 14 days of such demand being issued.
4. In accordance with the Strata Bye-Laws the Plaintiff has provided written notifications of Strata payments due by way of monthly statements to the Defendant.
5. The Defendant has failed to honour her payments and is now in arrears in the amount of CI\$20,572.09 as of the 1st September 2008.
6. The Defendant claims monies due and owing of foot of the Defendants breach of contract, that contract being the Strata Bye-Laws which exist and are legally enforceable as between the Plaintiff and Defendant pursuant to Section 21 of the Strata Titles Registration Law (2005 Revision).
7. The amount as set out above includes interest to which the Plaintiff is entitled in accordance with Section 5(3)(a)(a) of the Bye- Laws agreement, that rate of interest being 4 % per annum above the 30 day London Inter Bank Offer United States dollars at the time of default quoted by the bankers of the Corporation with a minimum of twelve per cent per annum which interest shall accrue from day to day with monthly rests until payment. This interest has been added monthly to the arrears at the minimum rate of 1% per month on arrears.

8. Such interest is current to the 1st September 2008.

STATEMENT REGARDING INTEREST

1.

a) The Plaintiff seeks pre and post judgment interest from the date of issue of the Writ in accordance with the provisions of the Bye-Laws or in the alternative in accordance with the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.

b) The interest rate claimed as per the bye-laws is 12% per annum.

c) In the alternative the interest rate as per the Judgment Debt (Rates of Interest) Rules is 7.25% per annum.

d) The interest owing on the said sum of CI\$20,572.09 from 1st September 2008 to the 1st October 2008 is CI\$202.90

d) The amount of interest accruing each day following the issue of this Writ is CI\$6.76.

AND THE PLAINTIFF claims:

1. Damages
2. Interest
3. Costs
4. Such further and other relief as this Court may deem just

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$20,572.09 (including fixed costs of CI\$500, filing fees of CI\$200, interest of CI\$202.90, ad valorem filing fees of CI\$105.72, bailiffs fee for service of CI\$35) to a total sum of CI\$21,615.71 further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Dated this ^{1st} day of October 2008

Samson & McGrath

Samson & McGrath
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Samson & McGrath, Attorneys-at-Law for the Plaintiff, whose address for service is 3rd Floor Genesis Building, Genesis Close, PO Box 446, Grand Cayman KY1 – 1106, Cayman Islands

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PLAINTIFF

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DELLA McCOY

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. Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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

2. State whether the Defendant intends to contest the proceedings (tick the 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 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 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:

SAMSON & MCGRATH
5th FLOOR GENESIS BUILDING
GENESIS CLOSE
PO BOX 446
GRAND CAYMAN KY1 - 1106
CAYMAN ISLANDS

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