

IN THE GRAND COURT OF THE CAYMAN ISLANDS

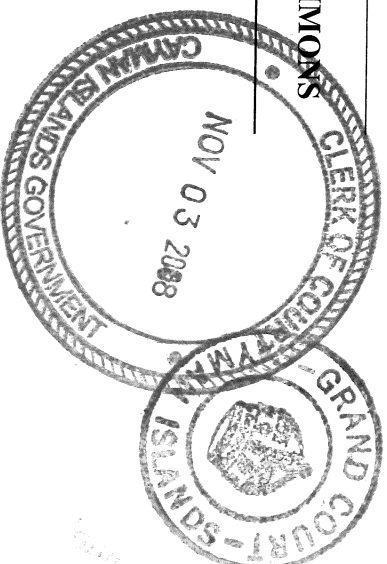
CAUSE NO. ⁰⁵¹⁴ OF 2008

**BETWEEN: THE PROPRIETORS OF STRATA PLAN #146
("TROPICAL HAVEN") PLAINTIFF**

AND: RICARDO FORBES DEFENDANT

WRIT OF SUMMONS

**TO: Ricardo Forbes of #1 Tropical Haven,
P.O. Box 31881
Grand Cayman KY1-1208
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 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 Courts Office, P.O. Box 495 G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein 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 judgment may be entered against you forthwith without further notice.

Issued this 3rd day of November, 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 Acknowledgment of Service are given with the accompanying form.

This Writ was issued by Waide DaCosta, LLB, Attorney-at-Law for the Plaintiff whose address for service is Suites 29 & 30, The Strand, West Bay Road, P.O. Box 10638, Grand Cayman KY1-1006, CAYMAN ISLANDS.

STATEMENT OF CLAIM

1. The Plaintiff is and was at all material times a Strata Corporation established pursuant to Section 5 Strata Titles Registration Law (the "Strata Company"). The Strata Company is the entity through which the Tropical Haven Condominiums, known as "Strata Plan No. 146, are owned.
2. The Strata Company is administered and, in turn, administers the Strata Plan No. 146 Condominiums pursuant to by laws (the "By Laws") as they may be amended from time to time.
3. The Defendant is the proprietor of Condominium No. 1 at Strata Plan No. 146 (the "Property").
4. Pursuant to the By Laws, the Defendant as proprietor to Condominium No. 1 has the following obligations:

"Clause 36(2) Pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his Strata Lot,

Clause 36(3) Pay to the Corporation within 30 days of demand,

- a) *All apportioned contributions to the fund for administrative expenses levied by the Corporation pursuant to Section 6(2) of the Law; and*
- b) *Such share as shall from time to time be proportionate to the unit entitlement which his strata lot bears to the Apartments of all and any costs and expenses incurred by the Corporation in connection with the performance of its duties under the Law and under these By-Laws.*

PROVIDED ALWAYS THAT:

- i) *In the event of any such payments not being made within 30 days of such demand he shall pay interest thereon at the rate of 2 percent per annum above the Prime Rate of Interest prevailing in the Cayman Islands at the time of default which such interest shall accrue from day to day until payment; and*
- ii) *In the event of any such payments (together with interest accrued) not being made within 45 days of such demand or in the event of his becoming bankrupt or making composition with his creditors or being a corporation entering into liquidation then and in any of these events he shall and does hereby irrevocably authorize and permit the Corporation to enter into possession of his Strata Lot and further does irrevocably appoint the Corporation to be the receiver of the rents and profits of his Strata Lot in each case until such time as the payments (together with interest accrued thereon) have been made by him to the Corporation.*

5. In accordance with the By Laws invoices for strata fees payable by the Defendant as the registered proprietor of Condominium No. 1 (the "Fees") have been rendered. The Defendant has failed and/or refused to pay the monies owed and the fees remain due and payable.

PARTICULARS

As at October 1st 2008 the amount of CI\$16,255.22 was owed by the Defendant to the Corporation, the Particulars are attached in Schedule 1 of this Statement of Claim.

6. The Plaintiff is entitled to enter into possession of the Strata Lot and to be receiver of rents until the payments have been made in full.
7. The Defendant has continually been in default and by his actions makes it clear that he does not intend to pay the invoices in full or at all.
8. The Plaintiff will seek to enter into possession of the Strata Lot to ensure that the invoices associated with the said Strata Lot are paid and kept current.
9. The Plaintiff claims from the Defendant the sum of CI\$16,255.22 being the total outstanding Strata Fees as at 1st October 2008 in relation to Condominium No. 1.
 - (1) Interest on all sums due found to the Plaintiff at the rate of 10.25% pursuant to the registered By-Laws of the Strata Plan;
 - (2) Alternatively interest on all sums due found to the Plaintiff pursuant to S. 34 Judicature Law (2004 Revision) at such rate and for such period as may be just.
 - (3) An order that the Corporation do enter into possession of Strata Lot 1;
 - (4) An order that the Corporation be appointed to be the receiver of the rents and profits of the said Strata Lot until such time as the said payments (together with interest accrued) have been made by the Defendant to the Corporation.
 - (5) Costs.
 - (6) Such Further or other relief as may be deemed just by this Honorable Court.

Dated this 3rd day of November, 2008


Waide DaCosta

Attorney-at-Law for the Plaintiffs

SCHEDULE 1

STRATA 146, TROPICAL HAVEN

MONTHLY STRATA FEES STATEMENT	1-Oct-08
APARTMENT # 1	CI\$
Closing balance from previous statement	12,367.23
Amounts received since last statement	0.00
Balance re prior month/s	12,367.23
Sep 30 days interest on 5610 + 623 + 12*310 + 4*320 @ 7%	64.63
Legal fees	3,500.00
Interest @ 7% on Legal fees (debited from acc. 9-26-08)	3.36
Strata Fees for	Oct-08
	320.00
Total balance now due	16,255.22

Please make cheques payable to Tropical Haven Strata 146 and deliver to April at Apt #2,
 MAIL to PO Box 1275, Grand Cayman KY1-1108 or
 pay online at Butterfield. Account Name: Tropical Haven Strata 146, Account No.: 02101037626

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 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 to 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 leaf for notes for guidance

Notes of 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 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 authorized 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.

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 (“TROPICAL HAVEN”) PLAINTIFF**

AND: RICARDO FORBES 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 Delay may result in judgment being
directions and notes for guidance entered against a Defendant whereby
carefully before completing this form. he may have to pay the costs of applying
If any information required is omitted to set it aside.
or given wrongly, THIS FORM MAY
HAVE TO BE RETURNED.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ of Summons 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

Attorney for Defendant

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.

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

**Waide DaCosta
Attorney-at-Law
P.O. Box 10638
Suites 29 & 30, The Strand
West Bay Rd.
Grand Cayman KY1-1006
CAYMAN ISLANDS**

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