



**Neutral Citation Number: [2025] CIGC (Civ) 33**

**Cause No: G 2023-0237**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**  
**CIVIL DIVISION**

**BETWEEN:**

**THE PROPRIETORS OF STRATA PLAN No. 647**

**Plaintiff**

**-and-**

**MAGGIE DAPAAH-DIXON**

**Defendant**

**Appearances: Mr Pramod Joshi of McGrath Tonner for the Plaintiff**

**The Defendant appeared in person**

**Before: The Honourable Justice Jalil Asif KC**

**Heard: 27 and 29 October 2025**

**Ex tempore judgment delivered: 29 October 2025**

**Finalised judgment approved: 5 November 2025**

*Order for sale of land—whether to exercise discretion to make order for sale—factors to take into account*

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## JUDGMENT

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1. This is a difficult case, in which I have to make a decision on an application by the Plaintiff for an order for sale of the Defendant's home, following on from a charging order that I made on 15 May 2025. The circumstances are that the Defendant, Ms Dapaah-Dixon, is the owner of a unit within the strata and has had a very unfortunate disagreement with the strata management. Initially this was over some alterations or some equipment that she installed in her property, which the strata did not agree with. This has snowballed into a situation where, having originally owed the strata some CI \$26,000, which the strata pursued by way of proceedings against her, Ms Dapaah-Dixon now owes the strata over CI \$100,000.
2. Ms Dapaah-Dixon, who has very ably represented herself before me, has sought to question the calculation of that sum, but I agree with Mr Pramod Joshi, who appears for the Plaintiff, that it is now far too late for her to do so. Those sums have been confirmed by way of various court orders, some of which were made by consent. If Ms Dapaah-Dixon wishes to challenge those orders, then the right way to do that would be to appeal if it is still feasible for her to do so.
3. There has already been an oral examination of Ms Dapaah-Dixon in relation to her finances, which demonstrated that she has a small amount of free income each month. In addition, on 15 May 2025, the strata obtained a charging order over Ms Dapaah-Dixon's unit which is second in priority to Ms Dapaah-Dixon's existing mortgage in favour of her mortgage lender.
4. The strata now asks me to make an order for sale in relation to Ms Dapaah-Dixon's unit, on the basis that a sale is the only realistic method by which the strata can recover the debt that Ms Dapaah-Dixon owes. In support of that position, that there is no other alternative, Mr Joshi points out that apart from four capital payments during the course of 2025, Ms Dapaah-Dixon has made absolutely no payments in respect of either the debt or ongoing strata fees as they have accrued during the course of the year. The payments that Ms Dapaah-Dixon has made were a payment of \$1,200 in January, \$3,000 in May, and two payments totalling \$7,000 in September this year. Those payments are only just adequate to cover the accruing strata fees and they do not provide any repayment of the debt that has built up

since 2023. Mr Joshi argues that in each case, Ms Dapaah-Dixon's payment appears to have been triggered by an application to the court made by the strata.

5. Mr Joshi has indicated that there is little case law guidance, certainly in the Cayman Islands and not very much in the United Kingdom either, on the approach that the court should take when considering whether to make an order for sale. The only recent case that Mr Joshi was able to identify in the Cayman Islands is *Top Jet Enterprises Ltd v Sino Jet Holding Ltd* (unreported, 3 August 2021), a decision of Segal J made in the context of an order for sale of shares, rather than a sale of land.
6. In the course of that judgment, Segal J considered the broad principles to be applied and indicated that there are two questions that the court should ask:
  - 6.1 Should the court make an order for sale at all?
  - 6.2 If so, what directions should the court give regarding the sale, and how it should be conducted?
7. As regards the first question, it is clear from the wording of the Grand Court Rules that an order for sale is a discretionary remedy. The court retains a real discretion whether or not to make such an order and that discretion continues to exist even in circumstances where the court has already made a charging order, which provides the basis on which the application for the order for sale has been made.
8. I interpose at this point that there are other situations in which a creditor may be entitled to enforce an order for sale than a charging order has been made, for example, if the terms of a mortgage or lending agreement provide for the creditor to have such a right of sale, which is not an uncommon provision.
9. Mr Joshi for the strata says that the core principle is that a creditor is entitled to be paid. The court has already adjudicated and determined that the money is owed and in those circumstances the money should be paid and should be paid promptly.
10. Mr Joshi points out that the strata is a relatively small one, comprising just 11 units, and so the other 10 owners within the strata are currently having to subsidise the significant debt that is owed by Ms Dapaah-Dixon, with consequent financial strain on each of them. He says that this needs to be

weighed in the balance against the financial difficulties and strain that are placed on Ms Dapaah-Dixon as a result of these proceedings and the debt that she owes.

11. Based on his review of the English authorities, Mr Joshi lists the following six factors in his skeleton argument that he suggests the court may or should take into account when deciding whether or not to make an order for sale:
  - 11.1 the personal circumstances of the debtor;
  - 11.2 the reasons for the failure to pay;
  - 11.3 the prospects for repayment of the debt by instalments from other means;
  - 11.4 the interests of third parties, including other creditors;
  - 11.5 the ratio of debt to property value; and
  - 11.6 the level of any equity in the property.
12. I did not understand Ms Dapaah-Dixon to disagree that these factors are relevant. In my judgment, they are all sensible and appropriate factors for the court to take into account in deciding whether and how to exercise its discretion to make an order for sale. I will therefore briefly consider each of those factors in turn before reaching a conclusion on the strata's application.
13. Ms Dapaah-Dixon's personal circumstances are that she lives alone in the unit. She has invested a significant amount of her own money into buying the unit. Her ownership of the unit, or at least her net equity in the unit, has supported her application for permanent residency that was approved in 2019 and which underpins her currently outstanding application for Caymanian status.
14. If the Property were to be sold, then it appears likely that Ms Dapaah-Dixon would receive some equity back. It might be that the amount of equity that she would retain from a sale of the property would be enough for her to continue with her application for Caymanian status. I do not put it any higher than that.
15. Ms Dapaah-Dixon has also put before me other information regarding her personal circumstances. She says that the dispute with the strata has caused her significant stress, which has affected her

psychologically and has manifested in certain medical symptoms that she has been trying to deal with, including anxiety and depression, for which she has received treatment from her doctor.

16. Those are all personal circumstances that deserve recognition.
17. The second factor to consider is the reasons for the failure to pay. Ms Dapaah-Dixon's reasons for failing to pay are not clear to me. As Mr Joshi has submitted, Ms Dapaah-Dixon's conduct supports the inference that she has only made payments when she has been forced to do so because of imminent court proceedings. I am concerned that she has not maintained the monthly payments of her ongoing strata fees, despite appearing to have sufficient free income to do so. As Mr Joshi described it, Ms Dapaah-Dixon appears simply to have chosen when she wishes to make payments. That is not conducive to the efficient operation of the strata itself, which needs to know in advance that it is going to receive funds from owners when they are due, and needs to be confident that it is going to be able to cover its own outgoings as and when they arise.
18. The alternative is that Ms Dapaah-Dixon is currently only able to make payments by borrowing from other people, whether that is her employer, family members or friends, as and when she is put under pressure by the strata to make a payment. That would be an equally concerning feature from my point of view, as it would demonstrate that there really is no alternative to a sale of the property to repay the debt, unless Ms Dapaah-Dixon can borrow from family or friends.
19. Third is the prospects for repayment of the debt by instalments or other means. In this regard, Ms Dapaah-Dixon relies very heavily on an imminent sale of a property owned by her mother in the United Kingdom from which her mother is likely to receive something of the order of £175,280. Ms Dapaah-Dixon says that her mother would be willing to lend Ms Dapaah-Dixon around £40,000 to £50,000 in order to make a substantial down payment on the outstanding debt.
20. The second route by which Ms Dapaah-Dixon suggests that the balance of the overall debt would be repaid is that in perhaps 12 to 18 months' time, she expects her outstanding application for Caymanian status to be determined by the Department of Immigration. Ms Dapaah-Dixon says that once she obtains Caymanian status, she will be able to draw down a substantial sum from her pension pot. The

evidence I have seen suggests that she would be able to draw down about CI \$50,000, which she says should be sufficient with the money from her mother to repay the existing debt.

21. In the course of argument, I asked Ms Dapaah-Dixon whether she had asked whether her mother would be willing to lend her a larger sum of money in order to repay the debt in full now and for Ms Dapaah-Dixon then to repay her mother in the future, rather than imposing that delayed recovery on the strata. Ms Dapaah-Dixon very honestly and frankly accepted that she had not asked her mother whether that was something that is feasible.
22. Before I leave this topic, I should say that Ms Dapaah-Dixon appears to accept that in the interim period she should also continue to make ongoing strata fee and insurance payments of a little bit less than CI \$1,000 a month.
23. Fourthly, comes the interests of third parties, including other creditors. The only other substantial creditor of whom I am aware is Ms Dapaah-Dixon's mortgage lender. The lender does not object to the strata's application for an order for sale but at the same time is not actively supporting the application. The lender clearly considers that it has adequate security for the amount that it is owed, and it appears that Ms Dapaah-Dixon is maintaining her mortgage account.
24. Considering the interests of third parties means that I should also take into account the interests of the other strata owners who, as I have indicated, are currently having to subsidise a very substantial debt owed to the strata by Ms Dapaah-Dixon. For example, I bear in mind that there is evidence that at least one of those strata owners is in the process of selling their unit. If they were to sell the unit before Ms Dapaah-Dixon repays the debt, they may not be able to recoup the strata contribution they have had make in respect of that debt in the meantime. And so, there is the potential for significant impact on third parties who are caught up in this dispute.
25. The value of the property in this case appears to be something in the order of CI \$650,000 up to perhaps CI \$800,000. Ms Dapaah-Dixon's debt, as I have indicated, is about CI \$100,000. The ratio of debt to property value is somewhere between perhaps, 1/8 to 1/6, which is a significant proportion. My understanding from the authorities that Mr Joshi took me to is that the relevance of the ratio of debt to property value is that in a case where the debt is relatively small, and the value of the property

very large in comparison, then that might justify the court taking the view that an order for sale would be disproportionate. Although the authorities that Mr Joshi took me to also cautioned whether, in that kind of situation, the landowner might be holding the creditor to ransom. I suppose that particular feature of the ratio of debt to property value could be looked at in both ways, depending on the facts.

26. Lastly, comes the question of the level of equity in the property. It appears that Ms Dapaah-Dixon's mortgage debt is around CI \$410,000 and that the debt owed to the strata is CI \$100,000, taking the total liabilities against the property to around CI \$510,000.
27. At a sale price of somewhere between CI \$650,000 and, say, CI \$750,000, which is supported by the valuation evidence before me, Ms Dapaah-Dixon would get a significant return of equity from the sale of the property, which might not enable her to re-house herself in quite such a luxurious property, but ought to be able to allow her to obtain a property on the island to continue to live here, if she wishes to continue to do so.
28. As I have said, this is not an easy case for me to decide. I am conscious, first of all, that it is a large sum of money that is owed, and which has been growing since 2023 with no real engagement by Ms Dapaah-Dixon in addressing the need to make substantial inroads into the debt.
29. On the other hand, I bear in mind that Ms Dapaah-Dixon clearly feels very aggrieved by the way in which she has been treated by the strata management and feels very hard done by. I should say, to her credit, that Ms Dapaah-Dixon has represented herself today and has coherently and effectively put forward her arguments in a persuasive manner over the course of this hearing.
30. My conclusion is that this is a debt which needs to be paid, and it needs to be paid in relatively short order. I am not enthusiastic about Ms Dapaah-Dixon's proposal that half of the debt should be paid now, and the other half should be paid in perhaps 12 to 18 months when she hopes to be granted Caymanian status and is able to draw down from her pension at that stage.
31. What does seem significant to me is the possibility that Ms Dapaah-Dixon's mother might lend her daughter the full amount of the debt that she owes to the strata, and that Ms Dapaah-Dixon might

then repay her mother, at least in part, from the proceeds of her pension in 18 months' time. I consider that that is a much fairer balance of the interests of the strata against those of Ms Dapaah-Dixon.

32. In those circumstances, I will make an order for sale but suspend it for 3 months in order to allow Ms Dapaah-Dixon to discuss with her mother whether her mother is willing to support her in that way, and additionally, to give Ms Dapaah-Dixon's mother the opportunity to complete the sale of the property in the United Kingdom – the evidence shows that she has recently accepted an offer for the property, which suggests that three months to complete the sale should be more than adequate. If that does happen, and if Ms Dapaah-Dixon's mother lends her daughter the full amount of the outstanding debt, then the debt to the strata can be repaid and the property will not need to be sold. Ms Dapaah-Dixon should make all future strata payments of fees and insurance on time, promptly.
33. If for any reason, the debt is not repaid in full within 3 months, whether that is because Ms Dapaah-Dixon's mother does not agree to lending her the money or for any other reason, then it seems to me that this is a debt that must now be paid, and so the order for sale will come into effect at that time.

**Dated 29 October 2025**



**THE HONOURABLE JUSTICE JALIL ASIF KC  
JUDGE OF THE GRAND COURT**