

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

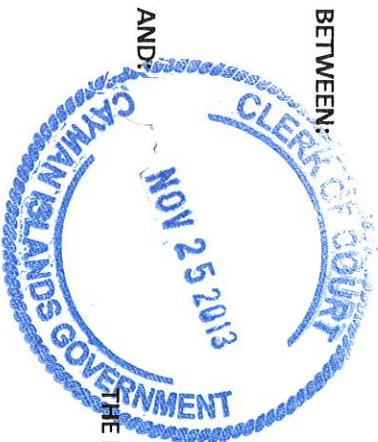
CAUSE NO: **W13** OF 2013

IN THE MATTER OF THE STRATA TITLES REGISTRATION LAW (2005 REVISION)

BETWEEN:

CARL CLAPPISON  
AND  
BERIC EVANS

PLAINTIFFS



AND: THE PROPRIETORS, STRATA PLAN No. 381

DEFENDANT

ORIGINATING SUMMONS

TO: THE PROPRIETORS, STRATA PLAN No. 381

P.O. Box 30117 SMB, Grand Cayman




LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 4956, George Town, Grand Cayman.

By this Summons, which is issued on the application of Carl Clappison and Beric Evans c/o Samson and McGrath, 5<sup>th</sup> Floor Genesis Building, George Town, Grand Cayman, P.O. Box 446 G.T., the Plaintiffs seek the following relief and seek the determination of the Court on the following questions, namely,

1. That the Court appoints an BCQS Property Management as administrator to act in place of the Executive Committee of The Proprietors, Strata Plan No. 381 for an initial period of one year from the date of making of this Order.
2. A declaration that bye-law 2 is ultra vires the powers and duties of The Proprietors, Strata Plan No. 381 as being inconsistent with the Strata Titles Registration Law and that it be removed from the bye-laws.
3. Such further and other relief that the Court deems fit.
4. An order that the costs of and incidental to this application are paid by The Proprietors, Strata Plan No. 381.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 25 day of November 2013.

  
Samson & McGrath

NOTE - This Summons 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 that date unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS

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.

**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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

This Originating Summons was issued by Samson and McGrath, Attorneys at Law for the Plaintiff whose address for service is 5<sup>th</sup> Floor Genesis Building, George Town, Grand Cayman, PO Box 446 G.T. Clappison & Evans v Strata Plan No 381



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.

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  
5<sup>th</sup> Floor Genesis Building  
P.O. 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.