

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

**CAUSE NO. ³⁷ OF 2014
LEGAL AID #144 OF 2013**

BETWEEN:

BURNS BODDEN

Plaintiff

-AND-

ALFRED EARL DALE BODDEN

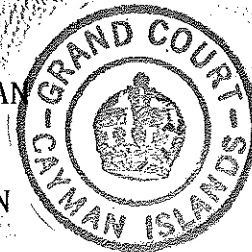
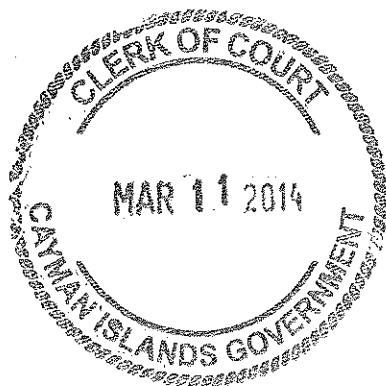
1st Defendant

CLITEY VINNETTE CHRISTIAN

2nd Defendant

SHEILA VENICA CHRISTIAN

3rd Defendant



WRIT OF SUMMONS

TO: Mr. Alfred Earl Dale Bodden
South Sound, Grand Cayman

AND TO: Ms. Clitey Vinnette Christian
South Sound, Grand Cayman

AND TO: Ms. Sheila Venica Christian
South Sound, Grand Cayman

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 28 days after the service of the Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman, Cayman Islands, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or 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 judgement may be entered against you forthwith without further notice.

Issued this 10th day of March 2014.

NOTE: - This Writ may not be served later than 4 calendar months (or, if leave is require to effect service out of the jurisdiction, 6 months) beginning with the date of issue renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. The Plaintiff has been residing on a property registered on the Cayman Islands Land Register as Registration Section South Sound, Block 15E Parcel 156 ("the Property") since 1978 undisturbed and uninterrupted until the later part of 2013.
2. Ms. Ramona Bush ("the Deceased") was initially the sole proprietor of the Property and also resided on the Property with the Plaintiff during her lifetime.
3. On 11th October 2009, Ms. Ramona Bush died intestate without a spouse or children. There has been no application for Letter of Administration over the estate of Ms. Ramona Bush.
4. During the Deceased lifetime, she made no attempt to remove the Plaintiff from the Property.
5. As at 8th June 2001, the Deceased added Alfred Earl Dale Bodden (the First Defendant) also know as Dale Bodden as joint proprietor with her on the Property.
6. As at 5th September 2001 at entry #1 a lien was registered against the Property by Fidelity Bank (Cayman) Ltd. in the amount of CI\$25,000.00. A copy of the land register is attached.
7. On 28th November 2006, a variation of Charge was registered against the Property by fidelity Bank (Cayman) Ltd. The amount is not stated on the land register. The Plaintiff will seek disclosure.
8. As at the date of the Ms. Bush death, the Plaintiff had resided on the Property well over 31 years uninterrupted.
9. On 8th March 2010, Ms. Bush name was deleted from the land register and the First Defendant became the sole proprietor registered on the Property. At the date when the First Defendant was registered as the sole proprietor, there was no Bank Charge registered against the Property [Emphasis]. A copy of the land register is attached.
10. On 4th February 2011, the Property was transferred to Alfred Earl Dale Bodden (the First Defendant), Clitey Vinnette Christian (the Second Defendant) and Sheila Venica Christian (the Third Defendant) as joint proprietors. A copy of the land register is attached.

11. The First Defendant is the brother of the Plaintiff. The Second Defendant is the wife of the First Defendant and Third Defendant is the daughter of Second Defendant from a previous marriage.
12. On 19th April 2011 a charge by the CICSA CO-OP CREDIT UNION LTD. was registered against the Property in the amount of CI\$40,050.00.
13. Then on 15th September 2011, the Charge was increased by CI\$8,823.98 and on 15th September 2011 a total charge of CI\$48,873.98 was registered against the Property by the CICSA CO-OP CREDIT UNION LTD.
14. The Property is valued approximately between CI\$200,000.00 and CI\$300,000.00.
15. The First Defendant and Plaintiff have been residing at the Property for over 12 years along with Ms. Ramona Bush, deceased.
16. The First Defendant is the brother of the Plaintiff and both parties are nephews of the Deceased.
17. The Defendants have been recently disconnecting the Plaintiff's electricity connections and interfering with his open and peaceful possession of the Property.
18. The Plaintiff has been maintaining and repairing the Property.
19. The Plaintiff was never asked to move off the Property by his deceased aunt or any of the Defendants until late 2013 when the Second Defendant cursed at the Plaintiff calling him a "squatter" and threatened to disconnect the Plaintiff's utilities.
20. The Defendants are hindering the Plaintiffs from quiet enjoyment of their home and property.


AND THE PLAINTIFFS claims:

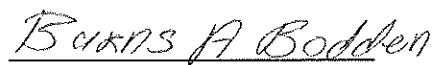
21. Adverse Possession of the Property;
22. Alternatively, Beneficial Interest in the Property;

AND THE PLAINTIFF further seeks:

23. A declaration by the Court of his rights in the Property;
24. That the Defendants be refrained from creating any further incumbrance against the Property;
25. An inhibition be placed against the Property until matters have been resolved by the Court;
26. The Defendants to pay off the loan they have taken against the Property so that the Property be free and clear of all incumbrances;
27. To have the Property registered in both the Plaintiff and the First Defendant's names (Burns Bodden and Dale Bodden) as tenant in common each holding ½ share. In that way, The First Defendant (Dale Bodden) could then make provisions for his wife (the Second Defendant) and stepdaughter (the Third Defendant) from his ½ share; and
28. The Defendants and their guests and invitees not to interfere with the Plaintiff's peaceful enjoyment of the Property.
29. Further or other relief as the Court deems fit.

If within the time for returning the Acknowledgment of Service, the Defendants undertake to honour all the Plaintiff's claims and agree to Paragraph 23 to 28 hereinabove the proceedings will be stayed.


Sonia Bush & Associates
Sonia Bush & Associates Law Firm
Attorneys for the Plaintiff


BURNS A Bodden
Burns Bodden
Plaintiff

This Writ is filed by Sonia Bush & Associates, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service and correspondence is Grand Pavilion Commercial Center, 802 West Bay Road, P.O. Box 11139, Grand Cayman, KY1-1008 Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICES
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 "Statements of Claim" appear on the top of page 2) the Defence must be served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgement is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 28 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 judgement 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
Please complete overleaf

Notes for Guidance

1. Each Defendant (if there is 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 28 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 (.....)" 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 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.

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BURNS BODDEN

Plaintiff

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1st Defendant

CLITEY VINNETTE CHRISTIAN

2nd Defendant

SHEILA VENICA CHRISTIAN

3rd 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 entered
directions and notes for guidance carefully against a Defendant whereby he may have
before completing this form. If any to pay the costs of applying to set it aside.
information required is omitted 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 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 this Writ is acknowledged accordingly

(Signed) _____
Defendant/Attorney for the Defendant

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 communication for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

Sonia Bush & Associates Law Firm
Attorneys-at-Law
Grand Pavilion Commercial Center,
802 West Bay Road,
P.O. Box 11139
Grand Cayman, KY1-1008
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.



**CAYMAN ISLANDS
LAND REGISTER**

Edition 8
Opened 10 MAR 2010

A - PROPERTY SECTION

Ownership Type	Crown / Private		Block and Parcel No. 15E 156	
Nature of Title	Absolute / Provisional		Registration Section	SOUTH SOUND
Origin of Title			Name of Parcel	
First Registration			Approximate Area	0.10 Acre
Mutation No.	M 2270			

B - PROPRIETORSHIP SECTION

Entry No.	Date	Instrument No.	Name and Address of Proprietor(s)	Signature of Registrar
5	08/03/10	2327/10	ALFRED EARLDALE BODDEN, P.O. Box 2847, Grand Cayman KY1-1112, Cayman Islands.	A Singh

