

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

CAUSE NO: 2 OF 2019

BETWEEN:



THE PROPRIETORS, STRATA PLAN NO. 526



PLAINTIFF

AND:



KEVIN KEITH GOURZONG

DEFENDANT

WRIT OF SUMMONS



TO:

Kevin Keith Gourzong
Apt 3 Citrus Pointe
Spotts

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 Court Office, P.O. Box 495G, 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 8 day of January 2019.

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.

STATEMENT OF CLAIM

1. The plaintiff is a body corporate established under the Strata Titles Registration Law ("the Law") and is capable of bringing proceedings by virtue of section 5(1) of the Law.
2. The defendant was at all material times the registered proprietor of property Spotts 25B 476H3 being a Strata Lot within the plaintiff strata.
3. The control, management, administration, use and enjoyment of the Strata Lot and the common property contained in the registered strata plan of the plaintiff is regulated by the plaintiff's bye-laws.
4. By virtue of section 21(7) of the Law the bye-laws of the plaintiff in force at any time shall bind the owners of units at the plaintiff strata including the defendant.
5. Pursuant to bye-law 36 of the registered bye-laws of the plaintiff it is the defendant's obligation to pay all charges and outgoings assessed by the plaintiff with respect to the plaintiff's compliance with its duties and obligations as set out at paragraph 3 above within 30 days of demand for the sums assessed.
6. The plaintiff levied charges and assessments by way of monthly invoices sent to the defendant stating the payment due for the month and the cumulative debt at that time.
7. Despite repeated demand by the plaintiff, the defendant has failed or refused to make payment to the contributions assessed and levied by the plaintiff.
8. As of the date of issue of this Writ the defendant is indebted to the plaintiff in the principal sum of CI\$28,904.85. Full particulars of the sum of CI\$28,904.85 and consequential interest is set out in the statement annexed to this Writ.
9. Statement regarding interest
 - 9.1 The Plaintiff seeks pre and post judgment interest from the date of issue of proceedings at the rate of 2% per annum above the prime rate of interest prevailing in the Cayman Islands at the time of default in payable on the sum owing pursuant to bye-law 36(3)(b)(i) in accordance with the contract terms and the provisions of the Judicature Law (2013 Revision).
 - 9.2 Interest is calculated in accordance with bye-law 36(3)(b)(i) at 2% per annum above the prime rate of interest prevailing in the Cayman Islands at the time of default on the principal sum due and owing.
 - 9.3 The current interest rate claimed is 5.25%.
 - 9.4 Interest is claimed on the sum claimed from January 2013.
 - 9.5 The amount of interest owing at date of issue of this Writ is \$5,281.69.
 - 9.6 The amount of interest accruing each day following the issue of this Writ is CI\$4.15.

AND THE PLAINTIFF CLAIMS:

- i. The said sum of CI\$28,904.85 as monies due and owing.
- ii. Pre and post judgment Interest from January 2013 to the date of issue of the Writ of \$5,281.69 and interest accruing thereafter on the said sum at \$4.15 daily until payment.
- iii. Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service



KSG Attorneys-at-Law
Attorneys for the Plaintiff

If within the time for returning Acknowledgement of Service the Defendants pay to the Plaintiff's Attorneys-at-Law the total amount claimed of CI\$28,904.85 and all filing fees, ad valorem fees, and all interest claimed all further proceedings will be stayed.

Citrus Pointe Apartments
 STRATA PLAN NUMBER 526
 CITRUS POINTE, ORANGE DRIVE
 PROSPECT, GRAND CAYMAN
 PO Box 31524 KY1-1207

UNIT NO. 3, CITRUS POINTE APT
 ATTN: KEVIN GOURZONG

Owner: Mr Kevin Gourzong

STATEMENT OF ARREARS FOR UNIT NUMBER 3

	Monthly Fee C/\$	Interest	Total Now due
Dec-12	279.85	0.00	279.85
Jan-13	400.00	3.03	682.88
Feb-13	400.00	4.66	1,087.54
Mar-13	400.00	6.16	1,493.70
Apr-13	400.00	8.39	1,902.09
May-13	400.00	9.99	2,312.08
Jun-13	400.00	12.04	2,724.11
Jul-13	400.00	13.54	3,137.65
Aug-13	400.00	15.77	3,553.43
Sep-13	400.00	17.57	3,971.00
Oct-13	400.00	18.92	4,389.92
Nov-13	400.00	21.30	4,811.22
Dec-13	400.00	22.54	5,233.76
Jan-14	400.00	25.12	5,658.88
Feb-14	400.00	26.84	6,085.72
Mar-14	400.00	26.29	6,512.02
Apr-14	400.00	30.76	6,942.78
May-14	400.00	31.74	7,374.52
Jun-14	400.00	34.61	7,809.13
Jul-14	400.00	35.48	8,244.61
Aug-14	400.00	38.55	8,683.16
Sep-14	400.00	40.44	9,123.60
Oct-14	400.00	41.15	9,564.75
Nov-14	400.00	44.37	10,009.13
Dec-14	400.00	44.97	10,454.10
Jan-15	400.00	48.40	10,902.50
Feb-15	400.00	50.22	11,352.72
Mar-15	400.00	47.51	11,800.23
Apr-15	400.00	54.34	12,254.57
May-15	400.00	54.66	12,709.23
Jun-15	400.00	58.40	13,167.63
Jul-15	400.00	58.60	13,626.23
Aug-15	400.00	62.54	14,088.77
Sep-15	400.00	64.55	14,553.32
Oct-15	400.00	64.58	15,017.90
Nov-15	400.00	68.69	15,386.59
Dec-15	400.00	68.18	15,629.77
Jan-16	400.00	71.48	16,101.24
Feb-16	400.00	73.46	16,574.70
Mar-16	400.00	70.92	17,045.62
Apr-16	400.00	77.73	17,523.36
May-16	400.00	77.40	18,000.75
Jun-16	400.00	81.99	18,482.74
Jul-16	400.00	81.54	18,714.28
Aug-16	400.00	85.23	19,199.51

* \$100 payment

* \$225 payment

* \$250 payment

Sep-16	400.00	87.33	19,686.84
Oct-16	400.00	86.73	20,173.58
Nov-16	400.00	91.68	20,665.26
Dec-16	400.00	90.96	21,156.21
Jan-17	400.00	96.12	21,652.33
Feb-17	400.00	98.16	22,150.49
Mar-17	400.00	90.99	22,641.48
Apr-17	400.00	102.68	23,144.16
May-17	400.00	101.65	23,645.81
Jun-17	400.00	107.16	24,152.97
Jul-17	400.00	106.01	24,658.98
Aug-17	400.00	111.74	25,170.71
Sep-17	400.00	113.96	25,684.67
Oct-17	400.00	112.61	26,197.29
Nov-17	400.00	118.54	26,715.83
Dec-17	400.00	117.06	27,232.89
Jan-18	400.00	123.21	27,756.10
Feb-18	400.00	125.37	28,281.47
Mar-18	400.00	115.68	28,797.16
Apr-18	400.00	130.13	29,327.29
May-18	400.00	128.33	29,855.62
Jun-18	400.00	134.85	30,390.47
Jul-18	400.00	132.92	30,923.39
Aug-18	400.00	139.67	31,463.06
Sep-18	400.00	142.02	32,005.08
Oct-18	400.00	139.89	32,544.96
Nov-18	400.00	146.84	33,091.81
Dec-18	400.00	144.58	33,636.38
Jan-19	400.00	150.15	34,186.54

Total due to strata CI\$

28,904.85	5,281.69	34,186.54
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Strata Fees are due on the 1st of each month

5.25% Interest is applied daily starting 30 days after the due date of Strata fees

**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 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 "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 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 for notes for guidance

Please complete overleaf

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. 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 with 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 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.
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.

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 or 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.

KSG Attorneys-at-Law
4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town
KY1-1107
Grand Cayman

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

[Empty box for defendant's attorney indorsement]