

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: 20/ OF 2019

In the Matter of the Strata Titles Registration Law

In the Matter of the Strata By-Laws of Strata Plan Number 22

BETWEEN:

RB440 PROPERTIES LTD



PLAINTIFF

-and-



THE PROPRIETORS, STRATA PLAN NUMBER 22

DEFENDANT



ORIGINATING SUMMONS

TO: The Proprietors, Strata Plan Number 22, 933 West Bay Road, George Town, P.O. Box 1799, Grand Cayman KY1-1109, Cayman Islands (“**Beachcomber**”)

LET THE DEFENDANT, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of RB440 Properties Ltd of C/O Maricorp Services, PO Box 2027, Grand Cayman, KY1-1105 Cayman Islands the Plaintiff claims against the Defendant the following relief:

(1) A declaration that:

- a. the Plaintiff, as the registered proprietor of Villa #28 at Beachcomber, is entitled under Beachcomber’s By-Law 48(b) to inspect or have inspected any book or account or documents whatsoever held by or on behalf of the Executive Committee of the Defendant Strata Corporation on reasonable notice in writing;

- b. the Plaintiff has given reasonable notice in writing in accordance with Beachcomber's By-Law 48(b);
 - c. the Defendant has breached By-Law 48(b) by refusing and/or failing within a reasonable time to grant the Plaintiff's request made under By-Law 48(b).
- (2) An injunction requiring the Defendant to forthwith grant the Plaintiff access to inspect or have inspected any book or account or documents whatsoever held by or on behalf of the Executive Committee including but not limited to:
- a. Any data held on V12 accounting software relating directly or indirectly to the corporation and/or the Executive Committee;
 - b. Books of accounts in respect of all moneys received and spent by the Executive Committee;
 - c. Accounts relating to all moneys of the corporation, and the income and expenditure thereof.
- (3) Such further or other relief as the Court may deem appropriate.
- (4) An order that the Defendant do pay the Plaintiff's costs.

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 27th day of November 2019.



PRIESTLEYS

NOTE - This Summons may not be served later than 4 calendar 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 ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of *Acknowledgement 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, PO Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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 fourteen (14) days for acknowledging service, a Summons 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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL HEALTH 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.

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**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any 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 Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes [] No []

Service of the Originating Summons is acknowledged accordingly

(Signed) _____
[Attorney] for

[Defendant in person]

Address for service:

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 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.

Please complete overleaf

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

Priestleys
PO Box 30310
Second Floor, Caribbean Plaza
878 West Bay Road
Grand Cayman KY1-1202
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.

[Empty box for Defendant's Attorney indorsement]