

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. 202 OF 2019

BETWEEN:

DEBRA BODDEN

(Administratrix of the Estate of ANTOINETTE IRENE BUSH)

PLAINTIFF

AND:



- (1) ALFRED EARLE DALE BODDEN
- (2) SHEILA VENICA CHRISTIAN
- (3) The personal representative of
CLITEY CHRISTIAN deceased



DEFENDANTS

WRIT OF SUMMONS

TO: Alfred Earle Dale Bodden 107 South Sound Road George Town, Grand Cayman	TO: SHEILA VENICA CHRISTIAN 107 South Sound Road George Town, Grand Cayman	TO: The personal representative of Clitey Christian deceased 107 South Sound Road George Town, Grand Cayman
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THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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 of 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 29th day of November 2019.

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.

PARTICULARS OF CLAIM

1. The Plaintiff is the Administratrix of the estate of Antoinette Irene Bush (the "deceased") who died intestate on 19th February 1984. The 1st Defendant is the brother of the Plaintiff and grandson of the deceased, while the 2nd Defendant is the adult stepchild of the 1st Defendant.
2. On 18th August 1989 Letters of Administration were granted to Leon Bush, son of the deceased under Grande Court Probate and Administration Number 39 of 1989. Leon Bush failed to administer the estate.
3. On 29th December 2000 Letters of Administration was granted to Ramona Bush, daughter of the deceased under a different Grand Court Probate and Administration Number, namely P&A No. 131 of 2000. Ramona Bush failed to administer the estate.
4. On 15th March 2013 Letters of Administration De Bonis Non were granted to the Plaintiff under Grand Court Cause No. 39 of 1989 on the basis that Leon Bush had intermeddled and failed to administer the estate, particularly Block 15E Parcel 23 ("Parcel 23") by transferring it to himself. Parcel 23 was returned to the estate after the application by the Plaintiff and administered accordingly.
5. The 1st Defendant, in proceedings under Grand Court Cause No. 37 of 2014 initiated by his brother Burns Bodden, disclosed in an affidavit filed 30th July 2019 that Block 15E Parcel 343 (previously Parcel 156) ("Parcel 343") was also property belonging to the deceased at the time of her death.
6. The Land Register shows that Parcel 343 was registered to the deceased on 5th May 1975. The Land Register also shows that Ramona Bush's name was registered on the title as Administratrix of the deceased on 17th January 2001. Romana Bush assumed the role of Administratrix of the Estate of Antionette Irene Bush and was

subject to an express fiduciary duty as an express trustee of the estate of the deceased.

7. Parcel 343 was transferred to Ramona Bush and the 1st Defendant jointly in undivided shares on 8th June 2001. The 1st Defendant therefore became a de facto trustee, holding Parcel 343 cest que trust together with the Administratrix.
8. Ramona Bush retained Parcel 343 from 17th January 2001 to the date of her death on 11th October 2009, subject to the estate. The 1st Defendant, from date of the addition of his name to the title of Parcel 343 to the time of Ramona Bush's death, was subject to the directions and control of the Administratrix in relation to Parcel 343.
9. The 1st Defendant on 4th February 2011 asserted absolute ownership of Parcel 343, contrary to his fiduciary duty as de facto trustee. He removed Ramona Bush's name and added his wife, Clitey Christian (the 3rd Defendant) and his stepdaughter, Sheila Christian (the 2nd Defendant).
10. The Defendants are asserting ownership to property, Parcel 343, which is property belonging to the estate of Antionette Irene Bush.

AND the Plaintiff claims:

Against the Defendants

- a) A declaration that Registration Section South Sound Block 15E Parcel 343 (formerly Parcel 156) is property belonging to the estate of Antionette Irene Bush;
- b) That the Defendants deliver up the Property by effecting transfer to the Administratrix, failing which the Clerk of the Court is to sign the same.
- c) Costs; and

d) Such further or other relief as deemed fit by this Honourable Court;

BP & Associates

BP & ASSOCIATES

ATTORNEYS-AT-LAW FOR THE PLAINTIFF

This **Writ** is filed by **BP & Associates**, Attorneys-at-Law for and on behalf of the **Plaintiff**, whose address for service is Suite 3B, 3rd Floor Landmark Square, West Bay Road, George Town, P.O Box 30796, Grand Cayman KY1-1204, Grand Cayman, Cayman Islands, telephone 345-322-8088, 345-925-4621.

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.

This **Writ** is filed by **BP & Associates**, Attorneys-at-Law for and on behalf of the **Plaintiff**, whose address for service is Suite 3B, 3rd Floor Landmark Square, West Bay Road, George Town, P.O Box 30796, Grand Cayman KY1-1204, Grand Cayman, Cayman Islands, telephone 345-322-8088, 345-925-4621.

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DEBRA BODDEN

(Administratrix of the Estate of ANTOINETTE IRENE BUSH)

PLAINTIFF

AND:

(1) ALFRED EARLE DALE BODDEN

(2) SHEILA VENICA CHRISTIAN

(3) CLITEY CHRISTIAN (deceased)

DEFENDANTS

**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 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. Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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.

BP & Associates
Suite 3B Landmark Square,
West Bay Road,
George Town
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]

This **Writ** is filed by **BP & Associates**, Attorneys-at-Law for and on behalf of the **Plaintiff**, whose address for service is Suite 3B, 3rd Floor Landmark Square, West Bay Road, George Town, P.O. Box 30796, Grand Cayman KY1-1204, Grand Cayman, Cayman Islands, telephone 345-322-8088, 345-925-4621.