

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE No. 111 of 2020( )



BETWEEN:

MV ADVISORY LTD



-and-



(1) SRE-SUPRE REAL ESTATE LTD

(2) THE PROPRIETORS OF STRATA PLAN NO 804 NAMED IN THE SCHEDULE

Defendants

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WRIT OF SUMMONS

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TO: (1) Sre Supre Real Estate, c/o McGrath Tonner, PO Box 446 Genesis Building, George Town, Grand Cayman KY1-1106  
(2) The various proprietors of Strata Plan No 804 named in the Schedule c/o McGrath Tonner, PO Box 446 Genesis Building, George Town, Grand Cayman KY1-1106

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff c/o Travers Thorp Alberga, PO Box 472, Harbour Place. 103 South Church St, George Town Cayman Islands KY1-1106 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, PO Box 495 GT, 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  <sup>th</sup> day of May 2020

This **WRIT OF SUMMONS** was filed by Travers Thorp Alberga, attorneys for the Plaintiff, whose address for service is Harbour Place, PO Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: M1182-001)**Error! Unknown document property name.**

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.

This **WRIT OF SUMMONS** was filed by Travers Thorp Alberga, attorneys for the Plaintiff, whose address for service is Harbour Place, PO Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: M1182-001) **Error! Unknown document property name.**

**GENERAL INDORSEMENT**

The Plaintiff's claims are for

(1) a declaration that the Plaintiff is not in default of its obligations to the Defendants under the Management Agreement pursuant to which the Plaintiffs manages the premises known as "Margaritaville Hotel" and strata units of Strata Plan 804, or otherwise and that any omission on its part to make distributions is to be excused in that its failure to pay any sum due is due in whole or in part to one or more "extraordinary events" within the meaning of Clause 12.8 of the Management Agreement or, alternatively, that the Plaintiff is reasonably or fairly entitled to be excused; and/or

(2) declarations as to the extent to which the Plaintiff is entitled to deduct or debit sums in each Defendant's "Proprietor's Account" in respect of expenditure incurred by the Plaintiff for or on behalf of each Defendant or the extent to which the Plaintiff is entitled to be reimbursed or indemnified for such expenditure by each Defendant; and/or


(3) the taking of an account of the sum found to be due to be debited to each Defendant's "Proprietor's Account" for the year 2019 or, alternatively restitution for any over-payments which the Plaintiffs have made for the year 2019 prior to adjustment of each Defendant's "Proprietor's Account" to take account of the Plaintiff's right against that Defendant to deduct or debit expenditure incurred by the Plaintiff for and on behalf of each of the Defendants or to be reimbursed or indemnified; and/or

(4) restitution for mistaken over-payments made in the year 2018 without making deductions in the "Proprietor's Account" to take account of the Plaintiff's right against that Defendant to deduct or debit each Defendant's "Proprietor's Account" for the year 2018 with the expenditure incurred by the Plaintiff for and on behalf of each of the Defendants in respect of which the Plaintiff was entitled to be reimbursed or indemnified; and/or

(5) further or other relief;

(6) costs.

Dated this 29<sup>th</sup> day of May 2020



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**Travers Thorp Alberga**  
Attorneys for the Plaintiff

**SCHEDULE OF DEFENDANTS**

1. Robert Cummings and Anna Cummings
2. Lise Nicole Baril
3. Rajesh Kumar Parimal Bavalia and Anneka Bavalia
4. Gillian Evans-Belfonte and Dirk Belfonte
5. Susan Bindell
6. Charmaine Bravo and Ian Bravo
7. Sarah Natasha Brearley and Richard gregg Brearley
8. Claude Plamondon
9. Dunbar Properties Ltd.
10. Emile Van Den Bol
11. Ryder Fasse, Dillon Claassens and Sian Weinzweig
12. Lynne Faulds and Eugenio Zanier
13. Leonard Gregory Fletcher and Sonja Marie Salmon
14. Gabriel Schwartz
15. G4 Holdings Ltd.
16. Sheila Gilmore and Barry Gilmore
17. Randy Goldstein
18. Hc-Me, Ltd.
19. Gregory Deckert Heath and Carol Anne Heath
20. Orapin Howe and Braden Howe
21. Scott Hughes and Julie Hughes
22. Idream international Development Real Estate Asset Manager Ltd.
23. Jeremy Charles Nicholas Beck
24. Joan Johnston and David Johnston
25. Michael Jones
26. Leroy W. Jordan
27. Grace Kearney and Christopher Kearney
28. Jeffery King Van Wart
29. Agnieszka Kotze and Jacobus Scholtz Kotze
30. Lorraine Cona
31. Shereen Mahoney and Michael Mahoney
32. Melissa Mcnamara
33. Steve Mezei and Cathryn Robbins
34. Cara Mitchell and Charles Mitchell
35. Shary Moxley
36. Jamie Randolph Earl Nelson
37. Dean Norley
38. Gerardo Ochoa-Vargas
39. Page14 Real Estate Ltd.
40. Parham Cayman Properties Ltd.
41. Minesh Patel and Nisha Sagger-Patel
42. Perpetual Breezes Ltd.
43. Blake Pilgrim and Stephanie Pilgrim
44. Meryl Lisa Robertson
45. Jeffery Leon Saltiel
46. William Schwandt and Janette Schwandt
47. Stanley Schwartz, Jonathan Schwartz and Brian Schwartz

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48. Brian Tang
49. Christopher Thomas and Heather Branch
50. Jonathan Paul Tonge and Paula Marie Tonge
51. Sylvia Gail Turnarecher and Erika Van Dam
52. Chris Van Den Bol
53. Alessandra Sarah De Vecchi
54. David Sean Walt and Leonard Brian Walt
55. Chilian Wong
56. Yvonne Anne Plamondon
57. Jared Joseph Yates and Khrista Gisselle Yates
58. Elspeth Yeldham and Matthew Yeldham

This **WRIT OF SUMMONS** was filed by Travers Thorp Alberga, attorneys for the Plaintiff, whose address for service is Harbour Place, PO Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: M1182-001) **Error! Unknown document property name.**

**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 495GT, 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 of 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 his 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE No. \_\_\_\_\_ of 2020( )

BETWEEN:

MV ADVISORY LTD

Plaintiff

-and-

(3) SRE-SUPRE REAL ESTATE LTD

(4) THE VARIOUS PERSONS NAMED IN THE SCHEDULE

Defendants

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ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

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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 of Summons is being acknowledged.
- 2 State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box).

yes

no

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- 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

Service of the Writ of Summons is acknowledged accordingly.

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Attorney for the Defendant

Address for service:

**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 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.

**Travers Thorp Alberga**  
 Attorneys-at-Law  
 PO Box 472  
 103 South Church St  
 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.

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