

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

CAUSE NO. of 2020

BETWEEN:

THE PROPRIETORS OF STRATA PLAN 531

PLAINTIFF

AND:

RUDOLPH JAMES

FIRST DEFENDANT

AND:

KADION BARTON

SECOND DEFENDANT



WRIT OF SUMMONS

TO: Rudolph James & Kadion Barton
23 The Blossoms
PO Box 32348
Savannah
Grand Cayman KY1-1105

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 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 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service form 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 26th day of November 2020

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 strata corporation established under the Cayman Islands Strata Titles Registration Law (2013 Revision) ("the Law"), being a condominium development known as The Blossoms ("the Strata"). The Strata is capable of bringing proceedings by virtue of section 5(1) of the Law.
2. The Defendants, at all material times, are and were the registered owners of one of the Strata lots, being Block 28B, Parcel 233H23 known as Unit 23 The Blossoms ("the Property").
3. Pursuant to Article 21(3) of the Law, the bye-laws set forth in Schedules 1 and 2 to the Law are in force and by virtue of section 21(7) of the Law these bye-laws bind the owners of units at the Plaintiff strata including the Defendants and the Plaintiff itself.
4. In accordance with section 1(d) of Schedule 1 it is the Defendants' duty to make payment of all rates, taxes, charges, outgoings and assessments that may be payable in respect of their Property.
5. The Plaintiff levied charges and assessments against the Defendants' Property for contributions for administrative expenses and in breach of the written bye-laws, the Defendants have failed or refused to make payment to the contributions assessed and levied by the Plaintiff.
6. As at 1 November 2020, the Defendants were indebted to the Plaintiff in the principal sum of CI\$31,478.11.

STATEMENT REGARDING INTEREST

7. The Plaintiff seeks pre and post judgment interest from the date of issue of proceedings at the rate of 2 $\frac{3}{8}$ % per annum on the unpaid balance until payment and in accordance with the provisions of the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
8. The interest rate claimed is 2 $\frac{3}{8}$ % per annum.
9. Interest is claimed on the sum claimed from the date of issue of the Writ.
10. The amount of interest owing as at the issue of the Writ is CI\$0.00.
11. The amount of interest accruing each day following the issue of this Writ is CI\$2.05.

AND THE PLAINTIFF CLAIMS:

1. The said sum of CI\$31,478.11 as monies due and owing.
2. Pre and post judgment interest from the date of issue of the Writ and interest accruing thereafter on the said sum at CI\$2.05 per day until payment.
3. Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service.



KSG
Attorneys for Plaintiff

If within the time for returning the Acknowledgement of Service the Defendant(s) pay(s) to the Plaintiff's Attorneys the total amount claimed of CI\$31,478.11 and all filing fees and all interest claimed all further proceedings will be stayed.

Plaintiff's address for service:

4 th Floor Harbour Centre 42 North Church Street PO Box 2255 George Town, KY1-1107
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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, PO 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 service 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, 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 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 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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**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 appropriate box)

Yes

No

Service of the Writ is acknowledged accordingly

(Signed) _____

Attorney For

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 or principal office.

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

[Empty box for Defendant's Attorney indorsement]