

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 90 of 2021

IN THE ESTATE OF ANTOINETTE IRENE BUSH deceased
AND in the matter of Order 76 rule 3 of the Grand Court Rules

P&A No.: 39 of 1989

BETWEEN:

DEBRA ANN BODDEN
(*Administratrix* of the Estate of
Antoinette Irene Bush deceased
P&A 39 of 1989)

(1)

DEBRA ANN BODDEN
(*Administratrix* of the Estate of
Myrtle Vernice Bodden deceased
P&A 34 of 2018)

(2)

Plaintiffs

AND:

DEBRA ANN BODDEN
and
ANTOINETTE AMANDA POWERY
(*Administratrices* of the Estate of
Ramona Louise Bush deceased
P&A 131 of 2009)

Defendant

WRIT OF SUMMONS

TO: DEBRA ANN BODDEN and ANTOINETTE AMANDA POWERY
(*Administratrices* of the Estate of Ramona Louise Bush deceased P 131 of 2009) (3)

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 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 495 George Town, 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 28th day of May 2021



STATEMENT OF CLAIM

1. The Plaintiffs are the *Administratrices* of the estates of :
 - (a) Antoinette Irene Bush [P39/89] (**the “deceased”**) who died intestate on 19th February 1984 an
 - (b) Myrtle Vernice Bodden deceased [P 34 of 2018] – Myrtle was the daughter of the deceased [and Mother of Debra Ann Bodden, and a beneficiary of the deceased’s intestate Estate;
2. The Defendant is the Estate of Ramona Louise Bush deceased [P 131 of 2009] . Ramona was a sister of Myrtle and also a beneficiary of the deceased’s intestate Estate.
3. The deceased died 19th February 1984. On 18th August 1989 Letters of Administration in in and for Estate of the deceased were granted to Leon Bush, son of the deceased under Grand Court Probate and Administration File Number 39 of 1989. Leon Bush died 19th June 2008. Leon (brother of Myrtle and Ramona) was the sole lawful Administrator of the deceased’s Estate (P&A No. 39/89) from 18th August 1989 to 19th June 2008.
4. In July 2019 the Plaintiffs first became aware of purported documents/actions in 2000 by Ramona as set out below:

On 29th December 2000 a purported Grant of Letters of Administration was made to Ramona Bush, daughter of the deceased under a false/wrong/mistaken/different Grand Court Probate and Administration file, namely P&A No. 131 of 2000. The said grant was obtained by false representations by Ramona on oath in support of her October 2000 application for Special Leave, upon which the Court relied, with the result that it granted Special Leave and then made the 29 December 2000 grant not knowing such was not possible because of the prior 1989 Grant. In 2000 Leon was already *officii officialis* the lawful Administrator of his Mother’s Estate under P&A 39 of 1989.

Particulars

1. In two affidavits sworn 11th October 2000 the Applicant Ramona Bush swore falsely that the deceased (her Mother) died 19th February **1994** and her death was registered by her **18th February 1994**. In fact the deceased’s true date of death was 19th February **1984** and was registered by Ramona **29th February 1984**;

2. In support of her Application for Special Leave the Applicant further relied upon and filed with the Court a false death certificate for her Mother that falsely stated that (a) the death of the deceased was only registered on 18th February 1994 and (b) the date of death was 19th February 1084 when in fact the Applicant had (c) herself registered the deceased's 19th February 1984 death on 29th February 1984.
3. The false sworn evidence as to the date of death of the deceased being in 1994 caused the Court to search for prior grants in the same Estate but only back to the sworn but false date of death in 1994, and not to the real date in 1984, and by reason thereof the prior and sole valid grant in the Estate of the deceased, granted in Cause P 39 of 1989, was not found.
4. Had the truth been told by the Applicant in her October 2000 application for Special Leave it would have failed and the 29th December 2000 grant would never have been applied for and/or made, but was made in error, and is, was, and always has been, a nullity and/or cannot be permitted to stand and must for the avoidance of doubt be revoked,
5. The said 2000 application would have failed, at the Special Leave stage, because if truthfully made the Court searches on the October 2000 Special Leave Application looking for "any prior Grant" would have located the file 39/89 and the 1989 Grant to Leon, for the same Estate, of the same deceased, by searching back to 1984 – the true year of death. Instead on an application in October 2000 giving the false year of death as 1994, the Court searches for "any prior Grant" only went back to 1994. An October 2000 search only back to 1994 would not and did not find a 1989 file and the 1989 Grant. The court when searching for "any prior grant" does not search back to a date before the date of death sworn to in the application for Special Leave.
6. In the premises Ramona Bush in Cause 131 of 2000 was at no time a lawful *Administratrix* of the Estate of the deceased (P&A 39/89) and (i) the October 2000 Grant of Special leave, and then (ii) the subsequent purported Grant of letter of Administration on 29th December 2000 were in error and obtained by false testimony. The false testimony deprived the Registry of the true information, without which their checks to ensure there are no prior grants and/or caveats cannot properly operate. The result in this matter in 2000 was that the Registry in October 2000 was, successfully, deceived. The First Plaintiff of the deceased accordingly makes this application for the purported 2000 Grant thereby obtained to be revoked.

5. On 15th March 2013 Letters of Administration *De Bonis Non* were granted to Debra Ann Bodden as lawful successor-*Administratrix* to her deceased uncle Leon Bush [under Grand Court Cause No. 114 of 2012 in the Estate of the deceased P&A No. 39 of 1989].
6. The First Plaintiff only learned from her brother Dale Bodden, in proceedings under Grand Court Cause No 37 of 2014 initiated by her other brother Burnes Bodden, that there was the second Grant to her Aunt Ramona in Cause 131 of 2000.
7. Ramona Bush died 11th October 2009 having never married and with no issue. Her parents pre-deceased her. Her siblings were:
 - (i) Helen Carmen Connolly deceased leaving 2 children;
 - (ii) Leon Bush deceased leaving a spouse and 2 children;
 - (iii) Myrtle Bush deceased leaving 7 children;
 - (iv) James Bush deceased with no spouse and no issue;
 - (v) Irene Bush deceased spinster no issue;
 - (vi) Ramona Louise Bush deceased spinster no issue

AND the Plaintiffs claim:

1. That the granting of Special Leave to Ramona Louise Bush in Cause No 131 of 2000 in or about October 2000, and purporting to be in The Estate of Antoinette Irene Bush, be set aside and/or revoked;
2. That the Court shall revoke the said 29th December 2000 (131/00) Grant of Letters of Administration in the Estate of Antoinette Irene Bush

Dated this 28th day of May 2021



Chapmans

This Writ and Statement of Claim is filed by Chapmans for the Plaintiffs whose address for service is Commonwealth House, 81 West Church Street, PO Box 742 West Bay, Grand Cayman, Cayman Islands KY1-1303 (jchapman@chapmanslegal.com)

Acknowledgement of service of writ of summons (0.12, r.3)

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 installments 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 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.

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(*Administratrices* of the Estate of
Ramona Louise Bush deceased
P&A 131 of 2009)

Defendant

**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 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 if suing in person) of his name, address and reference, if any, in the box below.

Chapmans
81 West Church Street, West Bay
jchapman@chapmanslegal.com

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