

**GRAND COURT OF THE CAYMAN ISLANDS****CAUSE NO. 2022****IN THE MATTER OF THE REGISTERED LAND LAW (2018 REVISION)****AND****IN THE MATTER OF REGISTRATION SECTION WEST BAY NORTH
WEST, BLOCK 4C, PARCEL 579 AND PARCEL 643****BETWEEN: WAL SMITH
PATRICIA SMITH
FOAM PLUS LTD** **Applicants****AND: VANESSA GILMAN
BRUCE D. BARNETT** **Respondents****PETITION**

To the Grand Court

The Humble Petition of Wal Smith, Patricia Smith and Foam Plus Ltd of Tropic Centre, Earth Close, P.O. Box 1825, Grand Cayman, KY1-1207, Cayman Islands shows that: -

1. On the 19 day of October 1973 a foot path easement was granted over the property registered in the Land Registry as West Bay North west, Block 4C, Parcel 643 for the benefit of the property registered in the Land Registry as

West Bay North West, Block 4C, Parcel 679, a property adjacent to Block 4C Parcel 643.

2. At the time that the foot path easement was granted to pass over Parcel 643 to provide foot pass access to Parcel 679, Parcel 679 had no access to it.
3. Then, since the 19 October 1973 the National Roads Authority has constructed and built a public road, namely, Captain Vincent Lane, along the western boundary of Parcel 679 opposite to its boundary with Parcel 643.
4. Captain Vincent Lane provides vehicular public access for Parcel 579. There is now no need to maintain the foot path access across Parcel 643 for the benefit of Parcel 579.
5. The easement granted on 19 October 1973 is no longer required. The easement over Parcel 643 for the benefit of Parcel 579 is no longer necessary.
6. The Petitioners are desirous of developing Parcel 643 and have obtained planning permission to development Parcel 643. The Central Planning Authority on granting planning permission on the 2 October 2021, imposed a Condition that the foot path easement over Parcel 643 for the benefit of Parcel 579 should be removed.
7. On the 14 day of October 2021 the Petitioners filed an Originating Summons in the Grand Court for an order that the foot path easement over Parcel 643 for the benefit of Parcel 579 be removed or be extinguished. The Respondent in that Originating Summons was Lizzette Garvin Barnett, the person is listed in the Land Registry as the registered proprietor of Parcel 579.
8. It was only after filing the said Originating Summons that the Petitioners received knowledge that Lizzette Garvin Barnett is deceased and that the Respondents are the Personal Representatives of the Estate of Lizzette Garvin Barnett. The Petitioners were able to serve their Originating Summons on the Respondent, Vanessa Gilman, who stated to the Petitioner's Attorney, A. Steve McField that she had no objection to the removal and or extinguishment of the foot path easement.

9. However, on the 17 day of December 2021 at the hearing of the Originating Summons in the Grand Court Vanessa Gilman objected to the extinguishment and or removal of the foot path easement over Parcel 643.
10. Venessa Gilman and her brother, Bruce D. Barnett are the Personal Representatives of the Estate of Lizzette Garvin Barnett. Letters of Administration was granted to Vanessa Gilman and Bruce D. Barnett on the 6th day of May 2003. However, since the 6th day of May 2003 they have not registered the Letters of Administration with the Land Registry as they are lawfully obliged to do. To date, they have not registered the Letters of Administration with the Land Registry, notwithstanding that the Hon. Judge of the Grand Court who heard the said Originating Summons advised Vanessa Gilman to do so.
11. The Hon. Judge of the Grand Court also advised that the Petitioners bring the matter back to the Grand Court by way of Petition.
12. The Petitioners are gravely concerned that the Respondents are not making any effort to Regularize the title to West Bay North West Block 4C, Parcel 579. The Respondents have clearly demonstrated that they do not intend to do so.
13. The Petitioners, are concerned that their planning permission to develop Block 4C Parcel 643 is being delayed by the behavior of the Respondents, who it is demonstrated, that the foot path easement of Block 4, Parcel 579 has no more use or benefit to the them.

Your Petitioners therefore prays that: -

1. The foot path easement granted on the 19 day of October 1973 over the parcel of land Registered in the Land Registry as West Bay North West Block 4C, Parcel 643 for the benefit of the parcel of Land Registered in the Land Registry as West Bay North West Block 4C, Parcel 579 be extinguished and or removed.

2. The Court grant such orders as the Court thinks fit.

Dated this 10th day of January 2022



**A. Steve McField & Associates
Attorneys-at- Law for the Petitioners**

Note: This Petition is intended to be served on Vanessa Gilman and Bruce D. Barnett of West Bay, Grand Cayman, Cayman Islands.

THIS PETITION was FILED by **A. STEVE MCFIELD & ASSOCIATES** of P.O. Box 680 GT, Unit A10 Amerigo House, Elizabethan Square, Grand Cayman, KY1-1107, Cayman Islands, Attorneys-at-Law, whose address for service is that of his said Attorney-at-Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 2022

IN THE MATTER OF THE REGISTERED LAND LAW (2018 REVISION)

AND

IN THE MATTER OF REGISTRATION SECTION WEST BAY NORTH WEST, BLOCK 4C, PARCEL 579 AND PARCEL 643

BETWEEN: WAL SMITH
PATRICIA SMITH
FOAM PLUS LTD Applicants

AND: VANESSA GILMAN
BRUCE D. BARNETT Respondents

ACKNOWLEDGEMENT OF SERVICE

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

1. Have you received the Petition to Extinguish and or Removal of an easement?

YES NO

2. On what date did you receive it?

3. Are you the persons named as Respondents in the Petition?

YES _____ NO _____

4. Do you intend to defend the case?

YES _____ NO _____

Service of the Petition is acknowledged accordingly

Dated: _____

Respondent

Respondent's Attorney