



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

Cause No. of 2022

BETWEEN:

THE PROPRIETORS OF STRATA PLAN No. 275

PLAINTIFF

AND

ROBERT JAMIESON

DEFENDANT

WRIT OF SUMMONS

TO: Robert Jamieson
 Unit J49, Ocean Pointe Villas
 46 Andresen Road
 West Bay
 Grand Cayman
 Cayman Islands

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 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, 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 day of August 2022

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 body corporate registered under the Strata Titles Registration Acts (currently under the 2013 Revision) and in respect of Strata premises known as Strata Plan No. 275 and also known as Ocean Pointe Villas situate at 46 Andresen Road, West Bay, Grand Cayman in the Cayman Islands.
2. The Defendant is the owner of Unit J49 at the said Ocean Pointe Villas and is and was at all material times subject to the Strata By-Laws duly registered in respect of the said Strata premises.
3. Pursuant to Article 6 clause 6.1 of the said By-Laws the Defendant was and remains obliged to,
 - (b) Pay all rates, taxes, charges and other outgoings in respect of water, telephone, electricity, cable television, garbage, insurance and any assessments that may be payable in respect of his Strata Lot;
 - (c) Pay to the Corporation within 14 days of demand or at such times as the Executive Committee shall from time to time determine:
 - (i) all contributions necessary to establish and maintain a fund for administrative expenses sufficient, in the opinion of the Corporation, for the control, management, repair, maintenance and administration of the Common Property, for the payment of insurance premiums and for the discharge of any of the other obligations of the Corporation, for renewals or replacements which go beyond normal repair and maintenance and any special contributions levied by the Corporation; and
 - (ii) all other costs and expenses incurred by the Corporation in connection with the performance of its duties under the Law and wider these By-Laws;
 - (iii) in the event of any such payment not being made within 14 days of such demand or the due date as the case may be lie shall pay interest thereon at the rate of four per cent per annum (4% p.a.) above the thirty (30) day Cayman National Bank Offer Rate for the United States dollar in the Cayman Islands at the time of default quoted by the bank with a

minimum of thirteen per cent per annum (13% p.a.) which interest shall accrue from day to day with monthly rests until payment;

4. In default of his obligations as aforesaid the Defendant is in arrears on the Strata account in respect of his strata lot, namely Unit J49. This is a debt owed to the Plaintiff.
5. Despite demands made by way of delivery of monthly statements of account to the Defendant and latterly a formal letter of demand dated 1st July 2022 and a second letter of demand and notice of intended proceedings dated 22nd July 2022 the Defendant has failed to discharge his indebtedness.
6. In the circumstances the Plaintiff is entitled to and claims forthwith the liquidated sum of US\$33,695.73 outstanding and due to date and in the alternative damages.
7. The Plaintiff is further entitled to and claims interest,
 - a. As prescribed by the By-Laws at clause 6.1 (c) (iii) at the minimum rate of 13% per annum on the sums outstanding and commencing from 9th August 2022 accruing at the daily rate of US\$12 and continuing from day to day until judgment or sooner payment, alternatively
 - b. Pursuant to section 34 of the Judicature Act (2021 Revision) at the prescribed rate of 2 3/8^{ths}% commencing from 9th August 2022 until judgment or sooner payment accruing at the daily rate of US\$2.19 or at such rate and for such period as the Honourable Court may deem fit.
8. The Plaintiff is further entitled to and claims pursuant to clause 6.1 (c) (ii) of the By-Laws as aforesaid its legal costs and expenses incurred to date and continuing to be incurred in connection with these proceedings alternatively costs under the Grand Court Rules.

AND THE PLAINTIFF claims:

- (a) The sum of US\$33,695.73 as aforesaid, alternatively damages
- (b) Interest as aforesaid
- (c) Costs as aforesaid



McGrath Tonner

Attorneys-at-Law to the Plaintiff

To: The Clerk of the Court

And to: The Defendant

**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 495, 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

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 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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**ACKNOWLEDGMENT OF SERVICE
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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 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.

McGrath Tonner
5th Floor, Genesis Building
Genesis Close
PO Box 446
George Town
Grand Cayman
Cayman Islands
Ref. PJ 12835-022

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]