



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022

N DR. JOSEPH BONSU-AKOTO

PLAINTIFF

AND

MARTIN & ODALIS DIAZ

DEFENDANTS

SPECIALLY ENDORSED WRIT OF SUMMONS

**TO: MARTIN & ODALIS DIAZ
UNIT 17, 37 AURORA DRIVE
West Bay
Grand Cayman**

THIS SPECIALLY ENDORSED 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, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this day of September 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is the Registered proprietor of premises being Registration Section West Bay North West Block 4C Parcel 808-H17 (“The Property”) and was at all material times the Landlord to the Defendants.
2. The Defendants were/are at all material times Residents of the Grand Cayman Island and Tenants of the Plaintiff.
3. By way of a written Agreement made the 8th day of November 2018 the Plaintiff rented The Property for one year and the Defendants took possession of the Property as Tenants of the Plaintiff for the said period of time.
4. It was a condition of the said Rental that the Defendants would pay a monthly rental of CI\$1,200.00 for the first two months and thereafter the said rental payment would increase to CI\$1,500.00 per month.
5. On payment of the first month’s rental the Defendants were put in possession of the The Property.
6. The said Agreement expired with the effluxion of time on or 7th November 2019 and was not renewed by the parties.
7. Notwithstanding the expiry of the rental agreement by effluxion of time the Defendants failed to vacate The Property and continue to reside in the same despite repeated requests from the Plaintiff to vacate the Property.
8. On the 24th day of September 2019 the Plaintiff gave Notice to the Defendants to vacate the Property, but they failed to do so.
9. On the 15th day of January 2020, the Plaintiff gave a further Notice to the Defendants to vacate the Property but again they failed to do so.
10. The Defendants have continued to occupy the Property and have failed to pay any rent in respect of their said occupation since June 2019.
11. In the circumstances the Defendant is indebted to the Plaintiff in respect of the rents due from them to the Plaintiff since June 2019 to present and until the date of Judgment herein as the rental debt remains due and owing and the Plaintiff has suffered loss and damages:

Particulars of Special Damages

(a) Outstanding Rent from June 2019 to September 2022	
40 Months at CI\$1,500.00 per month	CI\$60,000.00
(b) Interest at 2.38% per annum as of June 8, 2019,	CI\$ 4,760.00
	<u>CI\$64,760.00</u>

Statement Regarding Interest

- a. The prescribed rate of interest from the 8th day of June 2019 to the 20th day of September 2022 is 2.38%
 - b. 467 days / 365 days/year = 1.279452 years.
 - c. The interest rate is CI\$1.27 per diem.
12. In the circumstances the Defendants occupy the Property as Trespassers, and the Plaintiff seeks their removal from The Property.

AND THE PLAINTIFF CLAIMS:

- 1. The Principal sum of CI\$60,000.00.
- 2. Interest accrued to date of CI\$4,760.00.
- 3. Interest thereafter at the Statutory rate of 2.38% per annum.
- 4. An Order for Vacant Possession against the Defendants
- 5. Costs.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of \$64,760.00 including interest and costs of CI2,000.00 and remove themselves from The Property further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorneys-at-Law.

Dated this 20th day of September 2010April 2010



Murray & Westerborg
Plaintiff's Attorneys-at-Law

THIS SPECIALLY ENDORSED WRIT was issued by Murray & Westerborg, Attorneys-at-Law, for and on behalf of the Plaintiff whose address for service is that of his said Attorneys-at-Law, FIS Building (Second Floor, East Wing), 196 Shedden Road, George Town, Grand Cayman.

Acknowledgment of service of writ of summons (O.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 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022

BETWEEN DR. JOSEPH BONSU-AKOTO

PLAINTIFF

AND MARTIN & ODALIS DIAZ

DEFENDANTS

ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed)..... [Attorney] for [Defendant in person] 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 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 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:

Murray & Westerborg
Attorneys-at-Law
2nd Floor (East Wing) FIS Building
196 Shedden Road
George Town, Grand Cayman
PO Box 10067, Grand Cayman KY1-1001
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:

[Empty box for Defendant's Attorney indorsement]