



E GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022 ()

AND IN THE MATTER OF SECTION 96 OF THE REGISTERED LAND ACT (2018) REVISION

AND IN THE MATTER OF ORDER 96, RULE 4 OF THE GRAND COURT RULES 1995 (AS
REVISED)

AND IN THE MATTER OF SOUTH SOUND BLOCK 15E PARCEL 180

PETITION

To: The Grand Court of the Cayman Islands

The Humble Petition of Angella Willams-Myers of 92 Stone Wall Drive, South Sound, George Town, PO Box 30914, Grand Cayman, KY1-1204, Cayman Islands (the **Petitioner**) shows that:

1. The Petitioner is one of the registered owners of the property registered at "92 Stonewall Drive" comprised in South Sound Block 15E Parcel 180 (the **Property**). The other registered owner of the Property is Gabrielle Myers. The Petitioner is authorised by Gabrielle Myers to bring the Petition.
2. There is a registered vehicular right of way (the **Right of Way**) that is recorded in the Land Register by way of a Grant of Easement (the **Easement**) dated 31 May 1985, as an incumbrance over South Sound Block 15E Parcel 182 in favour of the Property.
3. In accordance with the Last Will and Testament of the late Mr. George Rupert Moxam

dated 15 August 2010 (the registered owner of South Sound Block 15E Parcel 182) (the **Will**), Wilma Lisa Wright of PO Box 608, George Town, Grand Cayman KY1-1502 was appointed the sole executrix (the **Executrix**) and trustee of estate of the late Mr. Moxam.

4. The Right of Way comprises “A 30 ft. vehicular Right of Way over this [Block 15E Parcel 182] in favour of 15E 177 – 181 as indicated on the Registry Map”. The Right of Way refers effectively to Stonewall Drive (**Stonewall Drive**).
5. The Right of Way was created by instrument 2100 of 1985 and was registered as an appurtenance by the Registrar of Lands on 31 May 1985.
6. The Right of Way was created to provide vehicular access from Walkers Road to those properties at Block 15E Parcels 177 to 181, which includes the Property. Similar rights of way exist in favour of Blocks and Parcels 15E 150 to 152, 192, and 220 to 222.
7. Stonewall Drive has subsequently fallen into a state of disrepair, impeding its safe and proper use, making it unfit for purpose. It has not been maintained since the Petitioner became the registered owner of the Property, in 2016.
8. At present, the hazardous condition of the Right of Way exposes the Petitioner and the other residents of Stonewall Drive to risk of personal safety when accessing their properties. Frequent flooding of the Right of Way is also the cause of significant concern in relation to the integrity of the properties adjacent to Stonewall Drive.
9. The Petitioner wishes to modify the existing Easement to allow for remedial works and maintenance of the Right of Way in order to make it safe for use.
10. In this Petition:
 - (a) “Beneficiaries” refers to the following individuals:
 - (i) George Allan Moxam;
 - (ii) Darlene Awertha Wright;
 - (iii) Rupert Lennox Moxam;
 - (iv) Catherine Veronica Craig; and
 - (v) Wilma Lisa Wright, the

Executrix. (individually, a **Beneficiary**, together, the

Beneficiaries) Your Petitioner, therefore humbly

prays for:

1. a declaration that the Petitioner is entitled to a 30 ft. vehicular Right of Way as recorded in the Cayman Islands Land Register as an encumbrance over South Sound Block 15E Parcel 182 in favour of the Property pursuant to section 92 of the Registered Land Act (2018 Revision);
2. an order permitting the modification of the existing Easement to allow for remedial and such maintenance works as may be necessary to give effect to the vehicular Right of Way;
3. an injunction with a penal notice restraining the Beneficiaries (as set out at paragraph 10(a) above), their agents or otherwise howsoever from restricting, preventing or otherwise interfering with the Petitioner's lawful use, modification, improvement and / or remedial works and subsequent maintenance of the Right of Way;
4. Such orders and further or other relief as this Honourable Court thinks fit; and
5. Costs.

Dated this 13 day of October 2022



HARNEY WESTWOOD & RIEGELS

Attorneys-at-Law for the Petitioner

Note: It is intended that this Petition be served on the Executrix of the estate of the late Mr George Rupert Moxam, Wilma Lisa Wright at PO Box 608, Savannah, Grand Cayman, Cayman Islands.

THIS PETITION was presented by Harney Westwood & Riegels, Attorneys-at-Law for the Petitioner, whose address for service is 3rd Floor, Harbour Place, 103 South Church Street, Grand Cayman, PO Box 10240, KY1-1002, Cayman Islands (Ref: NXH/NDD/0055322.0001).