



ND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2022

BETWEEN:

**EDWARD ALBERGA
GARLA ALBERGA**

PLAINTIFFS

AND:

**KAYLA DAVIDSON
DAVION WRIGHT**

DEFENDANT

ORIGINATING SUMMONS

TO:

Kayla Davidson
Davion Wright
Apt 5, Coral Isles Apartments, 204 Boltins Avenue, West Bay

AND TO: Every other person in occupation of the Property comprised in Block 4E, Parcel 600 and known as Apt 5, Coral Isles Apartments, 204 Boltins Avenue, West Bay, Grand Cayman.

LET THE DEFENDANTS, within fourteen (14) days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

By this Summons, which is issued on the application of Edward Alberga and Garla Alberga c/o KSG Attorneys at Law, 4th Floor Harbour Centre, 42 North Church Street, George Town Grand Cayman, PO Box 2255 G.T. KY1-1107, the Plaintiffs claim against the Defendant:

1. A declaration that the lease to purchase agreement dated 1 November 2015 ("Agreement") has been terminated by the Plaintiffs as of 30 May 2022 pursuant to clause 7 therein, for default by the Defendants, as detailed in the default notice dated 30 April 2022, and served on the Defendants by the Plaintiffs;
2. An Order for possession of the Property;
3. An Order for CI\$4,878.99 from arrears of rent, strata fees, garbage fees, and insurance costs to date of termination of the Agreement, pursuant to clause 1, clause 8, and clause 9 therein;

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.

An Order for mesne profits of CI\$825 per calendar month for rent and strata fees from 31 May 2022 until time of adjudication of the matter and/or date of repossession by the Plaintiffs;

- 5. An Order for mesne profits for insurance and garbage fees from 31 May 2022 until time of adjudication of the matter and/or date of repossession by the Plaintiffs;
- 6. Damages, including for damages arising from the state of the property, costs to be determined upon further inspection of the premises;
- 7. An Order that the costs of and incidental to this Originating Summons are paid by the Defendants;
- 8. Interest in the amount of 2 3/8%;
- 9. Such further and other relief that the Court deems fit.

AND LET THE DEFENDANT within fourteen (14) days after service of this Summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

Dated the 11th day of November 2022.



KSG

Attorneys-at-Law for the Plaintiffs

NOTES:-

(2) This Summons 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 above date unless renewed by order of the Court.

(2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2021

BETWEEN:

EDWARD ALBERGA
GARLA ALBERGA

PLAINTIFFS

AND:

KAYLA DAVIDSON
DAVION WRIGHT

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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.

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.

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 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.

KSG Attorneys at Law
4th Floor Harbour Centre
42 North Church Street,
George Town
P.O. Box 2255
Grand Cayman
KY1 - 1107
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.

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.