



GRAND COURT OF THE CAYMAN ISLANDS
IN GEORGETOWN, GRAND CAYMAN

CAUSE NO. OF 2022

BETWEEN: CARLENE LOVENE THOMPSON-EWERSE

Plaintiff

AND: SAMANTHA UNIS EWERS

Defendant

WRIT OF SUMMONS

TO: SAMANTHA UNIS EWERS

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 495G, 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
PROBATE AND ADMINISTRATION

CAUSE NO. OF 2022

BETWEEN: **CARLENE LOVENE THOMPSON-EWERSE**

Plaintiff

AND: **SAMANTHA UNIS EWERS**

Defendant

STATEMENT OF CLAIM

1. The Plaintiff is and was at all material times the spouse of Paul Anthony Ewerse who died on the 29th day of July 2022 at George Town, Grand Cayman, Cayman Islands.
2. The Defendant is and was at all material times posing as the daughter of the deceased Paul Anthony Ewerse.
3. During the marriage between the Plaintiff and the deceased Paul Anthony Ewerse they purchased a property registered in the Land Registry as Block 27D Parcel 283. They built the matrimonial home on the said property and moved in on or about 2006.
4. In the building of the matrimonial home the Plaintiff and her deceased husband Paul Anthony Ewerse were able to obtain a mortgage over the said property in the sum of One Hundred and Twenty-Four Thousand and Seventy Dollars (\$124, 070.00) from CIBC First Caribbean International Bank. Despite the fact that the property was registered in the name of the deceased Paul Anthony Ewerse alone, since the mortgage was granted from the said bank the Plaintiff contributed to the payments to the said bank. The mortgage is currently still outstanding.

5. Although Paul Anthony Ewerse could not read and write he had the matrimonial property Block 27D Parcel 283 registered in his name alone in the Land Registry.
6. Sometime before the death of Paul Anthony Ewerse, the Defendant who was born in Jamaica on the 26th November 1998 came to the Cayman Islands and she presented herself as his daughter. The deceased Paul Anthony Ewerse accepted the Defendant's claim as his daughter and he finance her studies at the University of the Cayman Islands (UCCI).
7. On or about the first part of 2012 the Defendant applied to the Cayman Status and Permanent Residency Board for the Grant of Permanent Residency with a Right to Work Certificate. To comply with the Board's requirements to qualify for the said grant, the Defendant was required to show the proof of ownership of property of which she did not have.
8. In order to meet the property ownership requirements of the said Board, the Defendant turned to the late Paul Anthony Ewerse for assistance. After discussions between the Plaintiff and the late Paul Anthony Ewerse concerning the Defendants request for assistance in satisfying the Board's requirements to qualify for the grant of Permanent Residency with a Right to Work Certificate; the Plaintiff and the late Paul Anthony Ewerse agreed to add the name of the Defendant to the title of Block 27D Parcel 283. The Defendant agreed to have her name removed from Block 27D Parcel 283, if she was or was not successful on her application.
9. On or about the 23 March 2012 the late Paul Anthony Ewerse for love and affection for the Defendant who he believed was his daughter transferred Block 27D Parcel 283 to the Defendant and himself as joint tenants in order to support and to facilitate the Defendant's said application for Permanent Residency.
10. The Defendant's application to the said Board for permanent residency was subsequently refused as the Defendant could not prove to the said Board that

she is the lawful and biological daughter of the deceased Paul Anthony Ewerse.

11. After Paul Anthony Ewerse death on the 29th July 2022, the Defendant on the 17th August 2022 had the deceased Paul Anthony Ewerse's name deleted from the Land Register. Block 27D Parcel 283 is now registered in the Defendant's name in the Land Registry as the proprietor. Notwithstanding that the deceased Paul Anthony Ewerse died leaving the Plaintiff as his surviving spouse and a legitimate surviving daughter, namely Cassandra Asaria Ewerse born on the 3rd October 2003 at George Town, Grand Cayman.
12. After the Defendant was able to obtain ownership of Block 27D Parcel 283, she transferred all the utilities connected to Block 27D Parcel 283 into her name alone. When the Plaintiff discovered what the Defendant had done, and discovered through the land registry that the Defendant was now registered in the Land Registry as proprietor of Block 27D Parcel 283, the Plaintiff contacted the Defendant and demanded that the Defendant transfer Block 27D Parcel 283 to the Plaintiff and her daughter Cassandra Asaria Ewerse. The Plaintiff also reminded the Defendant of her promise to have her name on the title to Block 27D Parcel 283 only for the purpose of obtaining her permanent residence.
13. The Plaintiff's said demand to the Defendant to transfer Block 27D Parcel 283 to the Plaintiff and her daughter Cassandra Asaria Ewerse was met with a Notice to the Plaintiff and her daughter Cassandra Asaria Ewerse to vacate Block 27D Parcel 283 by 10th December 2022.
14. The Defendant at the time when she requested and made the promise to the Plaintiff and the deceased Paul Anthony Ewerse, that she would have her name added to the title to Block 27D Parcel 283 only for the purpose of obtaining her Permanent Residence to remain in the Cayman Islands. She caused to be made or when she made the said representations knowing her promise to be false and untrue or made the same recklessly not caring whether they were true or false.

15. The Defendant at the time when she made the representations to the Plaintiff and the late Paul Anthony Ewerse did so in order to induce the Plaintiff and the late Paul Anthony Ewerse to add her name to the title of Block 27D Parcel 283.
16. By means of the said representations and acting on the faith thereof and in belief that the same were true the Plaintiff and the late Paul Anthony Ewerse were induced to believe the Defendant and to consent to have the Defendants name added to the title of Block 27D Parcel 283.
17. Further, and or in the alternative the Plaintiff and the late Paul Anthony Ewerse acted under a mistake of fact that the Defendant is the lawful and biological daughter of Paul Anthony Ewerse and the Plaintiff and the late Paul Anthony Ewerse never agreed that the Defendant would own Block 27D parcel 283.
18. In the premises the said agreement is not binding
19. By reason of the matters aforesaid the said addition of the Defendant to the title of Block 27D Parcel 283 is void and not a legal addition to Block 27D Parcel 283 by transfer and the Plaintiff has thereby suffered loss and damages.

Particulars

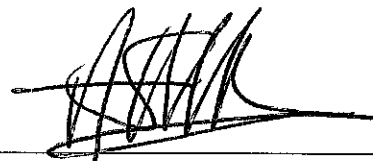
- a) The Plaintiff has loss her interest in Block 27D Parcel 283.
- b) The Plaintiff has been deprived of her spousal ability to apply for her interest in Block 27D Parcel 283 pursuant to the Succession Act 2021.
- c) The Plaintiff as the surviving spouse of the deceased Paul Anthony Ewerse has been deprived of the ability to divide Paul Anthony Ewerse Estate between herself and Paul Anthony Ewerse legitimate

biological daughter Cassandra Asaia Ewerse according to the Succession Act 2021.

And the Plaintiff Claims:

1. Rectification of the Land Register as it relates to Block 27D parcel 283.
2. The removal of the Defendant's name from the title of Block 27D Parcel 283.
3. Cancellation of the said transfer of Block 27D Parcel 283 to the Defendant.
4. An Order in favour of the Plaintiff in respect to her right under the Succession Act 2021 as the surviving spouse of the deceased Paul Anthony Ewerse.
5. An injunction to restrain the Defendant by herself, her servants, agents or otherwise whosoever from dealing with Block 27D Parcel 283 from evicting the Plaintiff Carlene Lovene Thompson-Ewerse and her daughter Cassandra Asaria Ewerse from Block 27D Parcel 283 pending the outcome of this suit.
6. Damages
7. Such further or other relief as this Honourable Court deems proper.

Dated this 20 day of December 2022.



**A. Steve McField & Associates
Attorneys for the Plaintiff**

To: The Clerk of the Court

And to: The Defendant, Samantha Unis Ewer

THIS STATEMENT OF CLAIMS was FILED by A. Steve McField & Associates of P. O. Box 680 GT, Unit A10 Amerigo House, Elizabethan Square, Grand Cayman, KYI-1107, Cayman Islands

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CAUSE NO: of 2022

BETWEEN: CARLENE LOVENE THOMPSON-EWERSE
Plaintiff

AND: SAMANTHA UNIS EWERS
Defendant

ACKNOWLEDGMENT 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 judgment being entered against a Defendant whereby he may have 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*)

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for Defendants

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.

A. Steve McField & Associates
Unit A10 Amerigo House,
Elizabethan Square, Grand
Cayman, KY1-1107,
P.O. Box 680 GT,
Cayman Islands

Indorsement by defendant's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.