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IN THE GRAND COURT OF THE CAYMAN ISLANDS. **CAUSE NO _____ OF 2023**

CIVIL DIVISION

SANDRA KAYE CLYATT MEEKINS

PLAINTIFF

AND:

LESLIE HARVEY JNR/HARVEY CONSTRUCTION

1ST DEFENDANT

AND

DR EUGENE FOLEY AND MS LORI-ANN FOLEY

2ND DEFENDANTS

AND

LESLIE HARVEY SNR

3RD DEFENDANT

WRIT OF SUMMONS

TO: LESLIE HARVEY/HARVEY CONSTRUCTION
Harvey Construction,
Tropical Breeze
Crewe Road
P.O. Box 806
Grand Cayman KY1 1103

TO: DR FOLEY AND LORI-ANN FOLEY
Block 15b parcel 323
George Town
Grand Cayman Cayman Islands

AND TO: LESLIE HARVEY SNR
Harvey Construction,
Tropical Breeze
Crewe Road
P.O. Box 806
Grand Cayman KY1 1103

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff in respect of the claim set on the next page :

This Writ was issued by Brady Attorneys at Law whose address for service is 2nd Floor Anderson SQ, Shedden Road, George Town, Grand Cayman, Cayman Islands

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 Acknowledgement of service stating therein whether you intent to contest these proceedings.

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

Issued this 14th Day of March 2023

NOTE: This writ may not be saved 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 (also know as Sandra Kaye Clyatt Meekins) is the registered owner of the land situated at registration district George Town, Block 15E parcel 45. At all material times the said land belonged to the Plaintiff and was bound in part by what is commonly referred to as a "slave wall". The slave wall is on the property of the Plaintiff. The said wall having been constructed by slaves in the Cayman Islands over 200 years ago. The property has been in the Plaintiffs family for a great many years, approximately 100 years. The property had been passed down from her mother who inherited it in about 1960. It was passed down from the Plaintiff's Grandfather who was born in 1900, he purchased the property in 1920 and the stone wall had been on the property all of that time.

2. The first defendant is a construction company owner, his company Harvey Construction is registered in the Cayman Islands. His Father, who's name is also believed to be Leslie Harvey and who works for Harvey Construction, is the third defendant. The second defendant, Lori-Ann Foley is the daughter of the third defendant.

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3. The second defendants are the owners of the land adjacent to the Plaintiff's property, their land is situated at Block 15B parcel 323 George Town and next to the part of the Plaintiff's property and the slave wall.

4. In 2022 the second defendants sought to erect a chain link fence on their property. They erected the fence and then made an after the fact application to erect the 7'4" fence with barbed wire along the said property slave wall. It is noted the application for Planning permission was not sought in advance of the erection of the fence and further the application stated that the second defendants wish to have the fence in place to keep their dogs safe during construction and renovation, There was also a claim that there was trespassing from other neighbours who had vandalise and destroyed their walls.

5. The Plaintiff became aware of the second defendants' after the fact application to the Cayman Islands Department of Planning and objected to the application being granted. The Plaintiffs letter to the Cayman Planning Authority read:- '*I Sandra Kayle Clyatt Meekins of block 15E parcel 45, do not oppose the proposed fence by Lori Ann Foley. I do make Ernest request that the rock wall of sentimental value to me, be untouched, as well as the wall of vegetation along the same remain*'.

6. In response the second defendants' attorney wrote to the Department of Planning setting out the following :-

> *Our proposed boundary fence for block 15B Parcel 343 it's a high 6' high chain-link fence with a 1 - 4' barbed wire attached from above, which is similar to the After-The-Fact boundary fence on block 15th be possible 321 the proposed get a 6 foot high on block 15 B Parcel 324.*
>
> *Last July 9 we received a letter from the owner of blocks 15E Parcel of 45 requesting to leave the rockwall and vegetation along the property untouched. These have sentimental value and work as privacy screens and serve both of the properties. Our client Ms Lori-Ann Foley agreed to comply with the request of the adjacent parcel owner and will not remove the existing rock wall and vegetation.*
>
> *Therefore we hope the CPA board will find this planning application to be acceptable.*

7. At all material times the second defendants allowed the Plaintiff to believe that there was no intention of removing or causing any damage to the stone wall which was on the Plaintiff's property. Had the second defendants at any time indicated that their intention was to remove the wall and vegetation and or damage the wall in any way, the Plaintiff would not have consistent to the erection of the chain link fence against the boundary. Importantly the second defendants were under no illusion that the lack of objection to the erection of the chain link fence was predicated on the agreement that there would be no damage to the wall and vegetation.

8. Notwithstanding the promise made to the Central Planning Authority by the second defendants, on 17th August 2022, the second defendants permitted the first and third defendants to demolish the slave wall and cut down and removed a significant amount of vegetation on the Plaintiff's property. The vegetation which was removed included a palm tree, papaya trees and other mature and fruit trees, a desert rose plant the list is not exhaustive. Further, the first and third defendants damaged another fence on the Plaintiffs property. The Plaintiff was working abroad at the time and had not known immediately that the second defendants had permitted the first and third defendants to destroy her property. However, she was informed by telephone later that day by another neighbour.

9. At the time of the damage to and removal of her property, a neighbour of the Plaintiff attempted to prevent the first and third defendants from damaging the wall and removing the property. The first and third defendants whether by themselves or through their servants or agents claimed that the property they were removing was theirs and was on their land. The police were called and due to the false claims made by the first and third defendant that the property belonged to them, the police permitted them to continue with the demolition of the property belonging to the Plaintiff. The property was destroyed and then removed without the Plaintiffs knowledge or consent. The information caused the Plaintiff significant distress, pain and suffering.

10. The Plaintiff, through a third party, instructed a letter before action to be written by the the Plaintiff's attorneys. A letter before action was written to the first and third defendants. and

served on or around 31st August 2022. No response was received. The Plaintiff though her family sought to have the matter settled and the wall rebuilt by the first and third defendant, they promised though a third party (Mr A L Thompson) that they would make good on the damage that they had done, but they did not rebuild the wall. Instead the first and third defendants whether by themselves or their servants or agents removed the stones from the Plaintiff's property in an act of theft. They neither had permission to remove the stones from the property nor did they have permission to further trespass upon her property to remove the stones.

11. In breach of the promise made to CPA the second defendants permitted the wall to be demolished and stolen. The second defendants was aided and abetted in their destruction of the Plaintiff's property by the first and third defendants. Inspire of the first and third defendants claims that the wall was on their property. The Plaintiff has documents from lands and surveys which clearly indicates that the wall was situated on the property of the Plaintiff and has been marked upon that property and had been present upon property owed by the Plaintiff and her forebears from the time they acquired the property in 1920.

12. **These claims are brought:**

(a) As against the second defendants, who caused the first and third defendant to trespass upon the Plaintiffs property.

(b) And as against the first and third defendants who did trespass upon the Plaintiff's property.

(c) As against the second defendants who were aided and abetted by the first and third defendants who caused physical damage to the Plaintiffs property by demolishing the slave wall and the vegetation on her property, such damage is a private nuisance.

(d) And as against the first and third defendants who caused the destruction of the slave wall, vegetation and fence.

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(e) As against the first, second and third defendants who removed or permitted the removal of the stones which had made up the slave wall. Such acts constitutes an act, theft as well as as act of malice and has also served to prolong the interference with the Plaintiff's rights over her property.

AND THE PLAINTIFF CLAIMS as against the first, second and third Defendants:-

- Damages for private nuisance and trespass
- Damages for the replacement of the stolen stones and the replacement of a similar wall with similar or the same stones.
- Damagesfor the destroyed fence and uprooted and destroyed vegetation including mature trees.
- And the Plaintiff claims : Exemplary damages to be assessed by the court
- Interests
- AND Costs.

Brady Attorneys at Law

Attorneys to the Plaintiff

TO the Clerk of court

AND to the defendants

This Writ was issued by Brady Attorneys at Law whose address for service is 2nd Floor Anderson SQ, Shedden Road, George Town, Grand Cayman, Cayman Islands

Acknowledgement of service of summons

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Plaintiff or by the Plaintiff 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 Plaintiff (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 defence and counter claim served on the Plaintiff personally is treated as having been served on the day it was delivered to him.

4. Where the Plaintiff 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 Summons)".

5. Where the Plaintiff 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 Plaintiff 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 Plaintiff 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 Plaintiff is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.

9. A Plaintiff acting in person may obtain help in completing the form at the Courts Office.

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CIVIL DIVISION

BETWEEN:

SANDRA KAYE CLYATT MEEKINS

PLAINTIFF

AND:

LESLIE HARVEY JNR/HARVEY CONSTRUCTION

1ST DEFENDANT

AND

DR EUGENE FOLEY AND MS LORI-ANN FOLEY

2ND DEFENDANTS

AND

LESLIE HARVEY SNR

3RD DEFENDANT

ACKNOWLEDGEMENT OF SERVICE

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 Writ is beingacknowledged._____

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

yes ☐ ☐ no.

This Writ was issued by Brady Attorneys at Law whose address for service is 2nd Floor Anderson SQ, Shedden Road, George Town, Grand Cayman, Cayman Islands

Service of the Summons is acknowledged accordingly

(Signed).....

[Attorney] for the PLAINTIFF
Address for service:
Brady Attorneys At Law
2nd Floor, Anderson Square. George Town Grand Cayman

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 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.

Brady attorneys at law
2nd Floor Anderson Square
George Town
Grand Cayman

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

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