



**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

**CAUSE NO: \_\_\_\_\_ OF 2023**

**BETWEEN:**

**CARLOS ALLEN SOLOMON**

**PLAINTIFF**

**AND:**

**(1) LENARD WRIGHT**

**(2) THE PERSONAL REPRESENTATIVES OF LAUREL  
HYACINTH WRIGHT DECEASED**

**(3) THE PERSONAL REPRESENTATIVES OF ASTON ROY  
CHAMBERS DECEASED**

**DEFENDANTS**

**WRIT OF SUMMONS**

TO:  
LENARD WRIGHT  
36 Printers Way, Block #14C Parcel 144  
LAUREL HYACINTH WRIGHT  
ASTON ROY CHAMBERS

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next pages.

Within 14 days (or, if leave is required to effect service out of the jurisdiction, such other period as is specified in the attached Acknowledgement of Service of Writ of Summons) 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, PO Box 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

This Writ of Summons and Statement of Claim was issued by KSG, attorneys for the Plaintiffs, whose address for service is 4th Floor Harbour Centre, 42 North Church Street, PO Box 2255, Grand Cayman KY1-1107, Cayman Islands [JK/2688]

If you fail to satisfy the claim or to 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 judgment may be entered against you forthwith without further notice.

Issued this        day of June 2023.

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.

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**STATEMENT OF CLAIM**

1. The Plaintiff is an individual resident in the Cayman Islands and the legal owner of George Town Central Block 14C Parcel 142 (the Red Land) shown edged in red on the plan attached to and served with these Particulars of Claim (the Plan).
2. The 2<sup>nd</sup> and 3<sup>rd</sup> Defendants are the legal owners of adjoining premises known as George Town Central Block 14C Parcel 141 in equal ½ shares (the Blue Land) shown edged in blue on the Plan. The 2<sup>nd</sup> defendant passed away on the 30<sup>th</sup> of April 2022 and the 3<sup>rd</sup> defendant passed away on the 19<sup>th</sup> of November 2014. It is believed that personal representatives have not been appointed for either Estate.
3. The 1<sup>st</sup> Defendant is the son of the 2<sup>nd</sup> Defendant and since in or around 2015 was in control of the Blue Land and acted as owner/occupier and/or agent for the 2<sup>nd</sup> and 3<sup>rd</sup> defendants including for long periods residing on it and collecting rents from tenants who also resided there.
4. At some date on or about 2018 Lenard Wright and/or the 2<sup>nd</sup> Defendant, their employees or agents wrongfully built an extension to their building located on the Blue

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Land (the Extension) crossing over on the Red Land. The position of the Extension on the Red Land is marked in brown on the Plan.

5. From the time that the Extension was completed, Lenard Wright collected the rents from the tenants residing in the Extension that was position on the Plaintiff's land.
6. The Extension has no planning permission as required under section 13 of the Development and Planning Act in force at the time of the construction and remains an illegal structure.
7. Despite the request of the Plaintiff both directly to the 1<sup>st</sup> defendant and via the Department of Planning Enforcement Office, Lenard Wright refuses to remove the Extension.
8. By reason of the matters set out above, the Plaintiff has suffered loss and damage.

#### PARTICULARS OF SPECIAL DAMAGE

9. The defendants have been unjustly enriched by virtue of their trespass onto the land of the plaintiff in the sum of the rental proceeds received and collected on rental of the Extension.
10. The Plaintiff accordingly seeks an order for the taking of an Account in respect of the rental proceeds and an order for payment of all such sums as are found to be due to the Plaintiff from the Defendants.
11. Further, the Plaintiff claims interest on any damages award pursuant to section 34(1) of the Judicature Act or on such other basis as the Court may direct.

AND the Plaintiff claims:

- An order that the Defendants do forthwith pull down and remove the Extension.
- Restitutionary damages after the taking of an Account.
- Interest.
- Costs.
- Such further or other relief as counsel may advise or the Court thinks appropriate.

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**KSG**  
Attorneys for the Plaintiffs

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**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 Acknowledgement 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 3), 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 Acknowledgement 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.

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**(2) THE PERSONAL REPRESENTATIVES OF LAUREL  
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**DEFENDANTS**

**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 to pay the costs of applying to set it aside.

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

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

yes  no

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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)

yes  no

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Service of the Writ is acknowledged accordingly

(Signed).....  
Attorney for

**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 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.

Endorsement by plaintiffs' 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  
PO Box 2255  
Grand Cayman KY1-1107  
Cayman Islands

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