



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2024

**IN THE MATTER OF SECTION 21 OF THE STRATA TITLES REGISTRATION ACT
(2013 REVISION)**

BETWEEN:

RB440 PROPERTIES LTD.

Plaintiff

-and-

PROPRIETORS, STRATA PLAN NO. 22

Defendant

ORIGINATING SUMMONS

LET THE DEFENDANT, of The Beachcomber, 933 West Bay Road, Seven Mile Beach, Grand Cayman, Cayman Islands, in which the Property is a strata complex, attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2024 at am/pm upon an application by the Plaintiff of Grand Pavilion, 801 West Bay Road, PO Box 30069, Grand Cayman KY1-1201, Cayman Islands for the following declarations and orders:-

1. A declaration that By-Law 22(a) of the By-Laws for Strata Plan No. 22 (as amended) (the “By-Laws”) requires equal representation on the Executive Committee (the “ExCo”) as between the Daily Rental Plan Category members and the Non-Daily Rental Plan category members unless there are insufficient candidates standing in one category.

2. A declaration that By-Law 12 of the By-Laws applies only to substantive resolutions, not to ExCo elections or, if it does apply to ExCo elections, it cannot operate to prevent equal representation on the ExCo as between Daily Rental Plan Category members and Non-Daily Rental Plan category members when there are sufficient candidates standing for election in both categories.

3. An order that the Defendant pay the Plaintiff’s costs.

4. Such further or other relief and directions as the court may think just.

AND LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

IMPORTANT

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

Dated the 31st day of January 2024

Nelsons
NELSONS

THIS ORIGINATING SUMMONS was issued by Nelsons Attorneys at Law Ltd. for the Plaintiff herein whose address is Grand Pavilion, 801 West Bay Road, P.O. Box 30069, Grand Cayman, KY1-1201.

TIME ESTIMATE: The estimated length of the hearing of this summons is 3 hours

Acknowledgement of service of originating summons (0.10, r.5)

**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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2024

IN THE MATTER OF SECTION 21 OF THE STRATA TITLES REGISTRATION ACT (2013 REVISION)

BETWEEN:

MICHAEL MONTGOMERY

Plaintiff

-and-

PROPRIETORS, STRATA PLAN NO. 22

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.

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.

<p>Nelsons Grand Pavilion 801 West Bay Road P.O. Box 30069 Grand Cayman KY1-1201</p>
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

