



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

CAUSE NO. OF 2024

BETWEEN:

CARLA HALL

Plaintiff

AND:

WALRUS INVESTMENT LIMITED

First Defendant

AND:

SIXTEES PROPERTIES DEVELOPMENT LIMITED

Second Defendant

WRIT OF SUMMONS

To the Defendants:

Walrus Investment Limited
 Maricorp Services Ltd
 2nd Floor, Strathvale House
 90 North Church Street

This Generally Indorsed Writ of Summons is filed by Priestleys Attorneys at Law for the Plaintiffs whose address for service is Second Floor Caribbean Plaza, 878 West Bay Road, PO Box 30310, Grand Cayman, KY1-1202

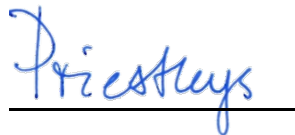
Sixtees Properties Developments Limited
Bodden Corporate Services Ltd
Governors Square
23 Lime Tree Bay Avenue
PO Box 10335, George Town
Grand Cayman
Cayman Islands

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 495 Grand Cayman KY1-1106, Cayman Islands, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 29th day of July 2024



PRIESTLEYS

Attorneys for the Plaintiffs

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service outside 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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GENERAL INDORSEMENT

1. The Plaintiff was at all material times an individual occupier of property at Unit 106 of the development known as Downtown Reach situated on the land at George Town East Block 20D Parcel 466H30 ("**Property**").
2. The First Defendant was at all material times a Cayman Islands registered resident company with company number 369555 and the proprietor of the Property and landlord of the Plaintiff.
3. The Second Defendant is and was at all material times a Cayman Islands registered resident company with company number 332665, in the business of property development in the Cayman Islands.
4. Pursuant to the provisions of an agreement for sale and agreement to develop between the Plaintiff's assignor and the Second Defendant, the Second Defendant agreed to develop and sell the Property.
5. Due to various construction and/or design defects, the Property suffered a significant buildup of mould which was not addressed, despite the Second Defendant being notified of such defects by the Plaintiff and First Defendant. The Plaintiff suffered personal injuries, loss and damage as a result of the buildup of mould at the Property.
6. In breach of the express and/or implied terms of the tenancy agreement between the Plaintiff and the First Defendant ("**Tenancy Agreement**") and in breach of the duty of care owed to the Plaintiff by the First Defendant, the First Defendant failed to execute such repairs as were reasonably necessary to ensure that the Property was let in a condition that was habitable and in accordance with the terms of the Tenancy Agreement.
7. In breach of the express and/or implied terms of the relevant development and/or assignment agreement, the Second Defendant failed to develop the Property in accordance with the provisions of the relevant development and/or assignment agreement. In breach of the duty of care owed to the Plaintiff and the First Defendant by the Second Defendant, the Second Defendant failed to exercise reasonable care and skill in developing the Development.

AND THE PLAINTIFF CLAIMS:-

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- (1) Damages for personal injuries, loss and damage sustained by the Plaintiff by reason of the breach of contract of the First Defendant in failing to let the Property in a habitable condition and in accordance with provisions of the Tenancy Agreement.
- (2) Further and in the alternative, damages for personal injuries, loss and damage sustained by the Plaintiff by reason of the negligence of the First Defendant in failing to let the Property in a habitable condition.
- (3) Damages for personal injuries, loss and damage sustained by the Plaintiff by reason of the Second Defendant's breach of contract for failure to develop the Property in accordance with the terms of the relevant development and/or assignment agreement and in a proper and workmanlike manner.
- (4) Further and in the alternative, damages resulting from Defendant's breach of its duty of care in failure to exercise reasonable skill and care in developing the Development.
- (5) Interest pursuant to Section 39 of the Judicature Act;
- (6) Costs; and
- (7) Such further or other relief as the Court may deem appropriate.

DATED THIS 29th day of July 2024



PRIESTLEYS

Attorneys for the Plaintiffs

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**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, 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 endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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.

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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 is 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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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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CARLA HALL

Plaintiff

AND:

WALRUS INVESTMENT LIMITED

First Defendant

AND:

SIXTEES PROPERTIES DEVELOPMENT LIMITED

Second Defendant

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give that attorney this form IMMEDIATELY.

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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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged and the date upon which the Writ was served.

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) Yes [] No []

Service of the Writ is acknowledged accordingly

(Signed) _____

Attorney for:

Please see overleaf.....

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

PRIESTLEYS
ATTORNEYS-AT-LAW
SECOND FLOOR, CARIBBEAN PLAZA
878 WEST BAY ROAD
PO BOX 30310
GEORGE TOWN, GRAND CAYMAN
CAYMAN ISLANDS, KY1-1202

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

