

**IN THE GRAND COURT OF THE CAYMAN ISLANDS****CIVIL DIVISION****CAUSE NO.****BETWEEN: JACQUELINE RUSSELL
 DIANNE RUSSELL****PLAINTIFFS****AND: ALICE RUSSELL****DEFENDANT**

WRIT OF SUMMONS

TO: ALICE RUSSELL
 Windsor Park
 George Town
 Grand Cayman

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, George Town, Grand Cayman, KY1-1106 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 10th day of April, 2025

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.

STATEMENT OF CLAIM

1. The Plaintiffs are biological sisters and the only issue of their late father, Lloyd Albert Russell (hereinafter referred to as 'Mr Russell'). Mr Russell passed away on August 1, 2022.
2. The deceased Lloyd Russell was formerly married to the Plaintiff's mother, Lumie Mercelda Russell, and that marriage ended in a divorce issued by this Grand Court on or about December 5, 1985. Lumie Mercelda Russell passed away on the 25th of October 1989. Mr Russell remarried on July 5, 1997 and remained married to the Defendant, Alice Russell, up to the date of his death.
3. The ancillary orders attendant to the divorce proceedings in 1985 included that the matrimonial property, registered at George Town Central Block 14E Parcel 190, was to be held in trust for the then two minor children of the marriage who are the Plaintiffs in this cause. Mr Russell would be the Trustee. The ancillary order was made by consent of the parties and at the time this Consent Order was made, the Plaintiffs were 8 years old and 12 years old.
4. Mr Russell caused the Land Register for the relevant property that he held in trust for the Plaintiffs, this being the property registered at George Town Central Block 14E Parcel 190, (hereinafter referred to as the 'trust property'), to be amended so that by way of a Transfer of Land dated July 23, 1985, the proprietors section of the Land Register reflected that he holds as a 'trustee'. Apart from the notation of Mr Russell as 'trustee', there was no formal trust deed prepared or recorded at the Lands and Survey Department or none which could be discovered when the Plaintiffs made enquiries after Mr Russell's death.

5. In the year 2009, Mr Russell asked to meet with the Plaintiff Dianne Russell. Upon Dianne Russell arriving, Mr Russell discussed with her, in the presence of the Defendant, that the property was trust property belonging to both of the Plaintiffs and that he wanted to borrow money from a bank using the trust property as security. To facilitate what he wished to do, Mr Russell requested that the Plaintiffs cooperate to remove the designation of trust property and promised that after the bank loan process was finalised he would replace the Plaintiffs names on the title. The Plaintiffs did not agree with Mr Russell's proposal and from that time came to the knowledge that the property was held in trust for them and not Mr Russell's personal property. Despite coming to the knowledge that the said property was held in trust for them, because of the love and affection that they held for Mr Russell, the Plaintiffs took no steps to demand that he and the Defendant vacate.
6. Following the death of Mr Russell, the Plaintiffs took steps in 2024 to regularise the trust property and have the Land Register amended so that it no longer reflects Mr Russell 'as trustee' but the Plaintiffs as proprietors in common, each with a half share.
7. Mr Russell and the Defendant left this jurisdiction in 2020 to reside in Jamaica. The Defendant is Jamaican and obtained the right of permanent abode in the Cayman Islands upon marriage to Mr Russell. Mr Russell died in Jamaica on August 1, 2022.
8. Mr Russell owned property in Jamaica at C31B Dolphin Way, Old Harbour Glades, St Catherine and resided there permanently with the Defendant from 2020 to the date of his death.

9. Prior to 2020, Mr Russell resided at the trust property with the Defendant. The Defendant had 10 adult children at the time of the marriage to Mr Russell but only 3 of those adult children, including Lorna Campbell, resided at the trust property after the marriage. The Defendant's other 7 children, in the years of the marriage, would enter the trust property from time to time as one or the other obtained work permits in this jurisdiction or visited.
10. To the best of the Plaintiffs knowledge and belief the Defendant has not resided at the trust property since leaving there in 2020. The Defendant however returned from Jamaica to the trust property after the Plaintiffs issued a Notice dated February 19, 2025 to all the tenants and occupants.
11. The Plaintiffs issued a Notice to Vacate on February 19, 2025 to the Defendant's daughter, Lorna Campbell, who resided at the trust property along with various tenants under the administration of the Defendant. The Plaintiffs are unfamiliar with all the current residents and have noted that the property's features have changed significantly from the time Mr Russell resided there, that is before 2020, to present day. The changes diminished the value of the property as several wooden structures were added at various places on the trust property and offered for rent to the public. The structures are of low standard and so the trust property has become akin to a tenement. The Plaintiffs wish to have vacant possession of the trust property.
12. Upon the Plaintiffs serving their notice to vacate the trust property on February 19, 2025 the Defendant has, through her Attorney's letter dated March 3, 2025, raised the issue that the trust property is subject to her claim that it is matrimonial property. In answer to this claim, the Plaintiffs assert that the property was never matrimonial property and that the Defendant cannot claim a constructive or resulting trust over it. At no point during the marriage between the Defendant and Mr Russell did Mr Russell own the property in his personal right and in accordance with the 1985 Order of the Grand Court, Mr Russell merely held it as trustee for the Plaintiffs.

13. The Plaintiffs seek vacant possession of the property as the legal title holders and former beneficiaries under the trust. The Defendant was aware that the property was trust property since, at minimum, 2009 and through this suit the Plaintiff seeks vacant possession and other redress.

AND THE PLAINTIFF CLAIMS:

1. A declaration that the Plaintiffs are entitled to possession of property registered at George Town Central Block 14E Parcel 190.
2. An Order that the Defendant shall, together with all tenants and occupants that she has permitted unto the property, vacate 25 Mango Turn, Windsor Park, George Town, Grand Cayman, registered at George Town Central Block 14E Parcel 190.
3. Damages for loss of use of the property from February 19, 2025 to the date that the property is vacated.
4. Such further and other relief as this Honourable Court deems fit
5. Costs

Dated this 10th day of April, 2025

SThompson

Stacy Thompson
Attorney for the Plaintiff

This **Writ of Summons and Statement of Claim** are filed by Stacy Thompson, Attorney-at-Law for and on behalf of the Plaintiff, whose address for service is 2nd Floor, Zephyr House, 122 Mary Street, P.O Box 12133 George Town, Grand Cayman KY1-1010, Cayman Islands.

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 Acknowledgment 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 2), 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 Acknowledgment 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.

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.

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

Stacy Thompson, Attorney at Law
2nd Floor, Zephyr House
122 Mary Street
George Town
Grand Cayman
E: stacythompson@thompsonlegal.info

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