



No. 1
Plaint

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

BETWEEN:

ARLENE NELSON

Plaintiff

AND:

ATHENS WATLER

Defendant

To the Defendant

ATHENS WATLER
55 IDLEWOOD LANE, NORTH SIDE

THIS PLAINT 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 service of this Plaint on you, counting the day of service you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this 10th day of July 2025

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

(Here set out in numbered paragraphs the grounds upon which the Plaintiff claims that the Defendant is indebted to him or is liable to pay damages to him)

Damage to existing house and contents

AND the Plaintiff claims:

- 1 The sum of \$7,092.00
- 2 Interest in the sum of \$ calculated at the prescribed rate from to date.
- 3 Fixed costs of \$ 70.00, alternatively costs to be assessed.

Arline Nelson

Plaintiff's Signature

Plaintiff's address for service

21 CROMWELL LANE
NORTH SIDE
GRAND CAYMAN

Nelson. arline@yahoo.com
(345) 917-1025

No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

Between:

ARLENE NELSON

Plaintiff

AND:

ATHENS WATLER

DefendantACKNOWLEDGMENT OF SERVICE

1 State Defendant's name and address -

ATHENS WATLER
55 IDLEWOOD LANE
NORTH SIDE

2 State whether the Defendant intends to contest the action.

☐

Yes

☐

No

3 If you do not intend to contest the action, do you want time in which to pay the claim?

☐

Yes

☐

No

4 If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly._____
Defendant's Signature

Dated this _____ day of _____, 20__

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

Defendant's Signature

REMINDER - This form must be taken or sent to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.

INTRODUCTION TO CLAIMS AGAINST ATHENS WATLER.**CLAIM NUMBER 2 - DAMAGE TO EXISTING HOUSE AND CONTENTS**

Mr. Watler was hired to complete a partially constructed 1 bedroom apartment which was attached to an existing house in Hutland, North Side.
(See contract agreement, DOCUMENT # 1)

The property is owned by Arlene Nelson and her daughter, Jolene Nelson.

During the course of construction, numerous problems arose relating to the complexity of an 'after the fact' project and the Planning Department and Building Control Unit requirements.

A total of 3 complete sets of drawings and building permit applications were produced between 2021 and 2025.

During this process I left Grand Cayman for weeks or months at a time as construction had to be almost completed halted.

Mr. Watler was therefore left to manage whatever work was legally allowed to take place during these application processing periods.

Mr. Watler had previously assisted in renovating the existing house, which is attached to the apartment, after the purchase in 2020. He was found to be efficient, helpful and pleasant to work with, so I did not hesitate to hire him for the construction as he was also recommended by my architect.

All funds requested were always immediately transferred to his account and in full.
Requests for personal loans were also granted during slow times while work was suspended.

On hearing of the tragic explosion at his home in early June, 2023, I immediately sent a gift of \$2,000.00 for which he was extremely grateful.
My daughter also reached out to Fosters Countryside and established a donation bin for his family as well as created an online awareness, drove around the Island for several weeks, collecting donations of thousands of dollars of cash, food, clothing and gift certificates.
Mr. Watler profoundly expressed his gratitude for her unselfish deeds.

I am sharing these details so that the extent of the trust in the working relationship between Mr. Watler and myself can be better understood.

The foundation of this trust was irreparably destroyed when I returned to the Island on June 6, 2024, and opened the door of my home, only to encounter serious water damage, details of which can be found in Mr. Watler's termination letter (DOCUMENT # 2a, 2b, 2c) dated June 13, 2024.

With the employment of a new contractor and also a new engineer, many shortcomings as well as financial discrepancies came to light.

I am now attempting to recover these losses from Mr. Watler as the struggle to complete this project enters it's 5th year, by means of two claims.

The first one deals with financial irregularities and substandard workmanship; the second with damages to the existing house and its contents.

CLAIM # 2 DETAILSDAMAGE TO EXISTING HOUSE AND CONTENTS

The open area of the roof ran directly above the kitchen appliances (refrigerator and stove) and also above one bedroom wall (night stands and queen bed)

Water from torrential rain poured through the opening and flooded the entire 3 bedroom, 2 bathroom house except for the master bathroom.

- 1) **CLEANING & REORGANIZATION.** Initially 2 workers were hired for 3 days to move furniture out of damaged rooms to facilitate dismantling of beds and the removal of drawers, mirrors, backing and hardware in order to access all dresser and nightstand areas (including the bottom of furniture legs) for mold removal and to restrain as necessary. General cleaning of windows, watermarks, rust and mold on floors. Queen mattress was moved outside to dry out, then disinfected and cleaned.

Appliances, bathroom and kitchen fixtures and fittings and other supplies being stored for eventual use in the new building had to be moved around to allow the boxes to dry out and to clean the floors. Materials \$275.00 Labour \$780.00. **CLAIM \$1,055.00**

- 2) Furniture backing on 2 nightstands and 2 dressers had to be discarded and replaced with 1/8 inch plywood. Material and labour. **CLAIM \$965.00**
- 3) Water damage to stove which was began to show signs of rust and was not working on June 6, 2024. The gas stovetop was serviced and is now working, however the oven has electrical issues and does not work. The expense of obtaining an estimate and subsequent repair will possibly be close to the cost of a replacement stove.
Stovetop service. **CLAIM \$75.00**

- 4) Water damage to fridge...Rust, stains, making strange noises.

(The refrigerator and stove were new when the house was purchased in May, 2020)

- 5) Collapsed ceilings in kitchen and bedroom were removed by Mr Watler. Sheet rock and insulation have since been replaced and ceiling refinished with texture and paint. Material and labour. \$2,300.00 **CLAIM \$2,300.00**
- 6) Walls in kitchen and bedroom....remove damaged textured finish; resurface and paint. Material and labour. \$1,500.00 **CLAIM \$1,500.00**
- 7) The ceiling fan in bedroom was not working as the water damage extended past the middle of the ceiling. A new fan was purchased and installed on November 7, 2024. Cost of fan and to install. \$266.00. \$75.00. **CLAIM. \$341.00**
- 8) Interior doors (3) Damaged by water while in storage for new build.
36 inch Berkeley 3068 \$156.00
Also, 2 existing bedroom doors were damaged: To replace, install and paint. Material and Labour \$450.00. **CLAIM. \$606.00**

- 9) To move damaged doors, furniture backing, sheet rock and ceiling insulation to landfill
\$250.00. **CLAIM. \$250.00**

(See Invoice).

GRAND TOTAL OF CLAIM # 1. \$7,092.00

Roof was unsecured from October 8, 2023 until June, 2024.

The roof opening was successfully, temporarily secured after Mr Watler's dismissal and permanently closed in July, 2024, once it was determined that the project had to proceed as a Single Family Home instead of a Duplex, as a fire wall was deemed to be not structurally possible.

SOLID CONSTRUCTION LIMITED
P.O. BOX 322 KY1- 1106
Grand Cayman
345.917.2548

Invoice

Ms. Nelson
Hutland, North Side

September 27, 2024

- 1) To provide workmen over 3 days to move furniture out of damaged rooms to facilitate dismantling of beds and the removal of drawers, mirrors, backing and hardware in order to access all dresser and nightstand areas (including the bottom of furniture legs) for mold removal and to restrain as necessary. General cleaning of windows, watermarks, rust and mold on floors.

To move queen mattress outside to dry out, disinfect and clean.

To shift appliances, bathroom and kitchen fixtures and fittings and other boxed supplies in the living area, to allow the boxes to dry out and to clean the floors. Materials \$275.00
Labour \$780.00. **Total \$1,055.00**

- 2) To remove damaged backing on nightstands and dressers and replace with 1/8 inch plywood. Material and labour. **\$965.00**

- 3) To service water damaged gas stovetop not working. June 10, 2024.
Stovetop service. **\$75.00**

- 4) To supply and install insulation and Sheetrock in kitchen and bedroom ceiling.
Apply textured finish and paint. Material and labour. **\$2,300.00**

- 5) Remove damaged textured finish on walls in kitchen and bedroom, apply new textured finish and paint.
Material and labour. **\$1,500.00**

- 6) To remove damaged ceiling fan and supply and install a new ceiling fan \$266.00. \$75.00.
Material and labour. **\$341.00**

- 7) To supply 3 doors. - 36 inch Berkeley 3068 \$156.00
To remove 2 damaged doors; supply, install and paint same.
Material and Labour \$450.00

Total \$606.00

- 8) To move damaged doors, furniture backing, sheet rock and ceiling insulation to landfill
\$250.00.

\$250.00

TOTAL. \$7,092.00

A handwritten signature in black ink, appearing to be "A. J. [unclear]", is written below the total amount.

CONTRACT AGREEMENT

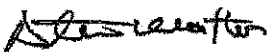
Between: Mr. Athens Watler and Miss Arlene Nelson.

With Mr. Watler being the contractor and Miss. Arlene Nelson the owner.

Jobs description are as follows:

1. Build front porch (All concrete and all materials included) \$18,900.
2. Block up one wall to turn the area into a utility room. Patch out areas that were cut by plumber.
(Materials included) \$4,900.
3. Dress all windows, doorways, beams, columns and render all walls interior and exterior
(Materials included) 21,800.
4. Install trusses for roof, plywood, Iced water shield, fascia boards, Eaves, shingles, build cricket on existing roof (Excluding trusses) \$26,950.
5. Installation of windows and doors (Labor only) \$5,000.
6. Install R-19 insulation in part of ceiling, plywood for storage area, sheet rock between rafters
(Materials included) \$9,000.
7. Paint interior, exterior, doors, and ceiling (Materials included) \$15,250.
8. Build garbage bend, A/C Pad (Material included) \$4,500.
9. Build lumber gabelings. Plywood and cement board. \$12,950

Total: \$119,250 KYD



Contractor

Owner



Arlene Nelson
21 Cromwell Lane
North Side
P. O. Box 11546. KY1-1009
Grand Cayman

June 13, 2024

Mr. Athens Zelaya-Watler
Grand Cayman.

Dear Mr. Watler,

I write to set out in some detail, the events which have been unfolding over the past 8 months as it relates to ongoing construction at the above address and for which you were hired as the contractor.

The building permit for the partially constructed duplex was granted in August, 2023 and work progressed until October 2023. At that time, work was halted due to various requirements, reports and new drawings requested by the Planning Department.

On October 10, 2023 I left Cayman and handed over the key to the house, requesting that you give special attention to the now open roof where the duplex is joined.

Allow me to quote What's App messages.

October 6, 2023

Nelson. 'We had some rain just now and quite a bit of water came in under the kitchen door going under the stove and fridge. Perhaps a tarp over the new laundry room needed...also a temporary silicone seal would help.'

Watler. 'I will deal with it'

Nelson. 'I just checked the other rooms and in one, water is all over the night table and floors. Soaking through the ceiling'

Watler. 'I will have to secure all of that'

October 9, 2023

Nelson. 'Thanks for sending the men...however a piece both at the front and back are still open'

Watler. (Voice note) Once you leave don't worry...you going to be good, anything. Whatever we need to cover...tomorrow I will check to see what else we need, once I have the keys we can keep checking, so we don't have any major damage.'

October 10, 2023

Nelson. My concern is the open roof area and the rainy weather. I would really appreciate if they are covered this morning to avoid further damage.

Watler. 'Ok, I will get that done' Steven has the key..he said.

I was therefore confident that the issues had been dealt with and that the house was protected from the rain as well as being periodically checked on.

On my return to Cayman on June 6, 2024, I opened the door to a horrific situation, to a house that was left in perfect condition.

A substantial amount of water was on the floor in the kitchen, dining area, living area and one bedroom.

Ceiling debris and water marks were all over the floors

The ceilings in the kitchen and bedroom adjoining the construction area were wet and caved in with mold/mildew.

The damaged ceiling extended past the center of the room and the ceiling fan is inoperable.

The walls are damaged with pockets of water behind the paint and mold/mildew all over the walls.

Water was pouring onto the bed head, mattress and night stands which had not even been moved away from the affected wall.

The furniture in the room was standing in water and covered with mold/mildew.

Packages of new items purchased for the new build including ceiling fans, light fixtures and other hardware were still situated on the floor also covered with mold. These boxes have not yet been opened to ascertain if goods are damaged. Boxes were actually stuck to the floor.

To date, 2 room doors have been damaged and discarded, having absorbed water that ran into the third bedroom. A third (pre-hung) door toppled over and was smashed.

The stove and refrigerator, situated against the shared wall, were subject to rain water from the ceiling pouring into both. The stove is no longer working.

The kitchen cabinets have also been damaged. Although the intention was to upgrade, I am no longer able to even reconsider this decision in light of the extensive delays and cost over run.

I have already encountered costs to partially clean and sanitize a few areas so that I can function in the house while co-existing with mold/mildew.

What is absolutely amazing is that upon my return, not one word was said regarding the condition of the house, even as torrential rains affected the Island. I was left to sweep out water for hours, scurry around outside looking for buckets, garbage containers, anything to minimize the incoming water, unable to even bring my suitcases inside for 2 days.

A recent promise of securing the roof with ice and water shield did not materialize. Instead you disappeared that day without notice, leaving me to beg the workers not to leave for the weekend without using the torn tarp and one other piece to create a makeshift cover which even as I write, is allowing water into the kitchen.

Mr Watler, I have to make mention of our otherwise cordial working relationship which has only served to increase my disappointment over this dilemma and the way in which I have been treated.

At no time have you EVER asked for payment AND personal loans, of which there have been several, and been denied or not transferred immediately.

To add insult to injury, my request for the transfer of working permission for two of the workmen has been denied by you and I have been asked to wait for at least TWO WEEKS until your job is completed. All this as I enter my third year trying to get this project finished.

I consider this to be a complete lack of understanding and consideration for what is going on here. Clearly you do not understand the ramifications of your actions or lack thereof.

Be assured that if this was your home, there is no way it would have been left unsecured for more than a few hours.

You are responsible for the damages to my property and I intend to seek legal counsel to ensure that the burden is not left to me.

I am once again requesting that both workers be released IMMEDIATELY to my project in order to put a stop to the ongoing damage and rising costs to the finished house.

The totality of the damages which undoubtedly includes unopened packages, remains to be seen.

The physical, emotional and financial burdens incurred because of your inaction and responsibility as contractor is immeasurable.

It is my hope that this situation can be handled privately rather than proceeding to Court. Regardless, I refuse to be negatively impacted any longer.

Thank you for your time.

I await your written response.

Sincerely,

Arlene Nelson.

PROJECT NOTES RELATING TO OPEN ROOF.

This Duplex Project required new drawings (submission # 2) for Planning as the layout and actual previously partially constructed building (up to belting) differed in submission # 1 and was DISAPPROVED. (October, 2023 notice from Planning)
DOCUMENT # 3

The project therefore legally had to be halted, including leaving the adjoining roofs in their open condition to accommodate the required fire wall. The owner requested that in the meantime, the contractor secure the roof opening with temporary coverings.

This was my decision based on the fact that:-

1. Building Control Unit email DOCUMENT # 3, stated, among other requirements, that a full set of drawings may be required in order to proceed and as such, no further inspections would take place. This was confirmed by the engineer.
2. No roof/wall detail had been received to show how to construct the required one hour-rated fire wall which must run from foundation to roof and separate both sides. DOCUMENT # 4.
3. No construction can proceed without stamped approved drawings and a red card permit. DOCUMENT # 5 (Email from Planner dated May 2, 2024)

'New/modified' drawings were submitted over the course of several months, that is, October 2023 to June, 2024. Building Permit Approval was obtained in June, 2024.

Mr. Watler did voice his opinion that the roof should be closed but promised to secure the opening and to keep checking for any leaks. (See WhatsApp conversation in dismissal letter)

After Mr. Watler was dismissed as contractor, several shortcomings in his work were subsequently discovered, particularly with regards to a poorly reinforced belting as well as the roof structure which was unsafe, would never have passed inspection and would have collapsed in the event of a hurricane. These issues have since been rectified under the guidance of the new engineer. Some are listed below:-

- 1). Hurricane straps were not connected to both wall and trusses. Some were connected to the wall (belting) but not to the truss and vice versa. Workmen confirmed that they ran out of nails. Some straps were missing all together.

2) 5/8 CDX Roof ply was not properly anchored to the trusses . Some nails were missing altogether and others completely missed the rafters and were clearly seen protruding through the ply.

This caused the roofing ply to flex and not lay flat under the ice and water shield.

(Videos available)

Additionally, supporting lumber strips had to be installed after the fact, at every ply joint in order to ensure stability for the shingles. (See repair invoice)

Since the above roof/truss construction had already been paid for, the subsequent required repairs resulted in extended project time as well as additional material and labour costs.

These repairs could have easily been carried out by Mr. Watler, during the several months waiting on Planning Department approval.

However, had the roof been closed and shingled during this time, the faults mentioned above would have gone undetected until the strength of the roof was tested, such as in a hurricane, and with dire consequences.

Sent from my Galaxy

----- Original message -----

From: no-reply@secure.ky

Date: 04/10/2023 2:14 pm (GMT-05:00)

To: NELSON.ARLENE@YAHOO.COM

Cc: planning.correspondence@gov.ky

Subject: OPS GENERAL BUILDING - INSPECTIONS Update [(i091223-085953-00)
ADDITION TO CREATE DUPLEX B22-0675 B&P: 49B156 Date: 2023-10-04]

We appreciate your feedback as we work to deliver the best possible service to all our customers.

To quickly share your experience, please click [here](#).

Dear ARLENE NELSON AND JOLENE NELSON:

A GENERAL BUILDING - BELTING Inspections has been disapproved for Record No. 'B22-0675' in order to proceed.

1) PROJECT REQUIRED TO COORDINATE BETWEEN CURRENT PLANNING AND BUILDING CONTROL AS SCOPE OF WORKS REFLECTED ON DRAWINGS DIFFER. 2) ADDITIONALLY WHEN APPLYING, AFTER THE FACT APPLICATION IS TO BE SUBMITTED AND AN INTRUSIVE ENGINEER REPORT DETAILING STRUCTURAL COMPONENTS OF EXISTING ADDITION UP TO BELTING REQUIRED TO BE SUBMITTED WITH BCU MODIFICATION. 3) BASED ON SELECTIVE DESIGN, A FULL

SET OF DRAWINGS MAY BE REQUIRED FOR BUILDING CONTROL, THIS IF FINAL DESIGN LAYOUT DIFFERS FROM PRESENT APPROVED DRAWINGS. THERE WILL BE NO FURTHER INSPECTION UNTIL DRAWINGS SET IS COORDIANATED BOTH UNDER CURRENT PALNNIGN AND BUILDING CONTROL.

If you wish to discuss the outstanding matters please arrange a meeting with the plan reviewer prior to arriving at the department.

Details:

Inspections Specifics:

Tracking Number: **1091223-085953-00**

Inspections Date: **2023-10-04**

Project Name: **ADDITION TO CREATE DUPLEX**

Description: **1377 SQ.FT. ADDITION TO HOUSE TO CREATE A DUPLEX**

Block: **49B**

Parcel: **156**

Assigned Inspections: **SAMANTHA MCFIELD**

Inspections Email Address: **samantha.mcfield@gov.ky**

Inspections Tel: **3459366571**

Note: The issuance of a permit card is handled by its own review process.

From: Arlene Nelson nelson.arlene@yahoo.com
Subject: Fwd: OPS GENERAL BUILDING - INSPECTIONS
Update [(i091223-085953-00) ADDITION TO
CREATE DUPLEX B22-0675 B&P: 49B156 Date:
2023-10-04]
Date: May 27, 2025 at 6:01:43 PM
To: Arlene Nelson nelson.arlene@yahoo.com

Sent from my iPad

Begin forwarded message:

From: Sam Small <selsam@candw.ky>
Date: October 24, 2023 at 9:20:59 PM EST
To: "nelson.arlene" <nelson.arlene@yahoo.com>
Subject: RE: OPS GENERAL BUILDING - INSPECTIONS Update
[(i091223-085953-00) ADDITION TO CREATE DUPLEX
B22-0675 B&P: 49B156 Date: 2023-10-04]
Reply-To: Selsam@candw.ky

This is for Dulian as the planning drawings and the BCU set are different.
Then I have see if was built is different from the approved plans too and we might as well
bring everything up to date.

Sam Small B.Eng. (Hons) CIOB GMICE FCASE (Accredited Mediator)
Director

On Mon, Apr 22, 2024, 9:55 AM Mason, Lakeisha <lakeisha.Mason@gov.ky> wrote:

Hey there,

Not a problem always here to serve you where need be, because the addition is for a duplex there needs to be a partition that runs from foundation to roof that separates both sides.

For clarity, can you verify if the laundry room is apart of the existing or proposed residence.

S2025-0112

OPS Plan Reviews ASSIGNED [(i031124-0...

2025-07-10

On Thu, Apr 18, 2024 at 12:27 PM Mason, Lakeisha
<Lakeisha.Mason@gov.ky> wrote:

Pleasant Good Afternoon,

1. Please note that the fire wall is not correct I have provided a colored diagram for your reference. Please note that the separation wall highlighted in yellow. Has to be the new wall label going all the way through not just a partial separation with no penetrations meaning the window by the covered porch needs to be removed as well.

Please remove all windows from the separation wall and illustrate a solid concrete wall, you can leave your note where the window were located.

The separation wall needs to have a label of a 1-hour fire rating.

2. Please indicate an emergency exist label in each sleeping area.

3. Insert fire detector within and outside of sleeping area on architectural plans.

4. Provide dimensions for attic access in walk in closet.

Please provide these correction and send back the architectural via email so that I can stamp and approve accordingly.

S2025-0112

2025-07-10

<Lakeisha.Mason@gov.ky> wrote:

Pleasant Good Morning Dulian,

Happy Thursday!

Please note that the your project has not yet received your red card permit, with this said you do not have permission for the planning department to proceed with construction.

I have created an admin check, to our administration clerk whom will process your project for permit approval from the deputy director of planning. Hope this helps you understand our permit processing protocol.

Wishing you a Cayman-Kind Day!

Kind Regards,