



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

CAUSE NO: OF 2026

**IN THE MATTER OF: SECTION 23 OF THE STRATA TITLES REGISTRATION ACT
(2013 REVISION)**

AND IN THE MATTER OF: STRATA PLAN NO. 608 ("COUNTRY SIDE ESTATES")

PETITION

To the Grand Court

The humble petition of Susan Van Dijk, of 13 Carell Street, Currimundi, Queensland, Australia, Ronald Bruce Handford, 13 Carell Street, Currimundi, Queensland, Australia, and Mary McArthur, of 5 East Street Warwick, Queensland, Australia, as the Executors of the Estate of James Bruce Handford (dec), shows that:

1. The Petitioners respectfully seek declaratory orders under section 23(2) of the Strata Titles Act (2013 Revision) (the "**Act**"), that the buildings identified as "**Block A**", "**Block D**", "**Block G**" and "**Block H**" as shown in Strata Plan No. 608 (the "**Strata**"), are deemed destroyed, and for further consequential orders.

The Petitioners

2. The Petitioners are the Executors of the Estate of the late Mr James Bruce Handford ("**Mr Handford**"), pursuant to the Grant of Probate dated 10 February 2023 and resealed on 18 August 2023, in Cause No. P 140 of 2023.

The Strata

3. On or around 6 March 2008, Mr Handford purchased the land off Larva Drive, Bodden Town, registered as Block 28C, Parcel 531 (formerly Parcel 528), in Savannah registration section of Grand Cayman (the "**Parcel**"), for the purpose of developing a residential strata development.
4. On or around 3 November 2009, the Parcel was incorporated into a phase strata plan known as Strata Plan No. 608 (the "**Strata**"), upon registration of:
 - (a) a "**Proposed Strata Lot Development Plan**" identifying 8 residential apartment blocks ("**Blocks**"), labelled Blocks A, B, C, D, E, F, G and H, and all intended common property, proposed to be included in the strata development when it was completed; and
 - (b) a "**Phase Strata Plan**" for the Parcel, identifying Blocks E and F as constructed and designating the remaining Blocks as *future development strata lots*.
5. Upon the registration of the Strata:
 - (a) By operation of law:
 - (i) strata lot registers were opened in respect of each strata lot contained in Blocks E and F shown on the Phase Strata Plan, with Mr Handford named as the "*first proprietor*" of all strata lots in the Strata; and
 - (ii) Mr Handford's interest as the proprietor of all strata lots within the Strata became a body corporate established under the name "*The proprietors, Strata Plan No. 608*" also known as "*Country Side Estates*" (the "**Corporation**"); and
 - (iii) Mr Handford's interest as sole proprietor of the Parcel was replaced by the interest of the Corporation, such that the land comprised in the Parcel consisted only of the common property of the Strata, as shown in the Phase Strata Plan, under management of the Corporation.

- (b) As a matter of procedure, Mr Handford continued to be named as the proprietor of the Parcel, unless and until such time as the final phase of the Strata was completed.
6. On or around 28 January 2010, the amended bye laws of the Corporation (the "**Bye-Laws**") were adopted by the resolution of the Strata's proprietors ("**Proprietors**"), which were later registered on or around 23 April 2010.
7. On or around 24 November 2010, a revised Phase Strata Plan was registered, substituting the earlier Phase Strata Plan, confirming the completion of Blocks B,C, E and F, specifying each strata lot and each part of the common property that had been so far been completed and designating Blocks A, D, G and H as *future development strata lots*, requiring further development subdivision and other operations to complete the development ("**Phase 2**").
8. Blocks A, D, G and H were never constructed and Phase 2 remains undeveloped.

Estate Succession and Current Legal Position

9. In February 2014, Mr Handford returned to Australia due to declining health.
10. On 9 February 2017, Mrs Susan Van Dilk was appointed Receiver of Mr Handford's Estate (the "**Receiver**"), pursuant to the sealed Order of Mr Justice McMillan of the Grand Court, with specific authority and powers to sell the properties listed in the Order, which included strata lot number H5 in Block C of Country Side Estates ("**Apt 12B**"). Apt 12B was sold in 2017 with Court approval, following which Mr Handford no longer held completed units in the Strata.
11. Mr Handford passed away on 29 August 2022, and the Receiver was discharged. The grant of probate issued to the Petitioners was resealed by the Grand Court on 18 August 2023.
12. The Petitioners were since registered as each holding a one-third interest in the Parcel.

Purpose of this Petition

13. The Executors do not intend to complete the stalled Phase 2 development.

14. The Estate cannot be relieved of its position within the Strata Plan unless the undeveloped portions are removed or severed, enabling the Executors to take the corresponding land in fee simple.
15. The Act provides at least two potential mechanisms:
 - (a) Section 18 – alteration of a strata plan, requiring unanimous consent of all proprietors, interest-holders and cautioners; and
 - (b) Section 23 – declaration of destruction of strata lots and adjustment of proprietors' interests by Court order.

Failure of the Section 18 Pathway

16. The Petitioners have undertaken extensive outreach to the respective parties defined by section 18(3) of the Act, but only three of those parties have returned executed consents. No objections were received, but unanimous consent has not been achieved.
17. As a result, section 18 is impossible to satisfy, leaving the incomplete Strata in a perpetual and unresolvable state unless the Court intervenes.

Section 23 – Jurisdiction and Justification

18. Section 23 empowers the Court to declare strata lots "*destroyed*" and to make such directions as are necessary and just to adjust the interests of proprietors.
19. The Petitioners rely on section 23 because:
 - (a) Blocks A, D, G and H do not exist physically and will never be developed, but remain on the Proposed Strata Lot Development Plan;
 - (b) The Petitioners, as Executors, desire to administer and distribute the Estate's assets without indefinite entanglement in an unfinished strata development;
 - (c) The Petitioner's proposal to the proprietors within Phase 1 does not adversely affect any existing Phase 1 proprietor's access, utilities, or amenities; and

- (d) The Estate holds approximately 53.9% of the total common property and therefore represents the majority interest.

20. The Petitioners are willing to:

- (a) grant all necessary easements to the Strata for access, utilities, drainage, and telecommunications; and
- (b) bear all reasonable conveyancing and implementation costs associated with their proposal.

Grounds for Relief

21. It is *just and equitable* for the Court to grant relief because:

- (a) The Strata has remained incomplete for over a decade;
- (b) Section 18 consent is impossible to obtain and/or inoperable for the purposes of the relief sought;
- (c) Clause 36 of the Strata's Bye-Laws obliges proprietors not to object to reductions in the number of strata lots; and
- (d) Severance will resolve a long-standing administrative and legal deadlock.

Your Petitioners therefore humbly pray that:

- 1. Declarations shall be made to deem the buildings identified as Blocks A, D, G and H on the strata plans registered to the Strata as having been destroyed, within the meaning of section 23(2)(b) of the Act.
- 2. Orders shall be made to impose such conditions and directions as the Court thinks fit for the purpose of adjusting the Petitioners' interests in the *future development strata lots* contained within Blocks A, D, G and H on the Phase Strata Plan, including the transfer or vesting to the Estate such portion of the common property as corresponds to the unit entitlement of said *future development strata lots* (not exceeding 53.9% of the common property), to give effect to the foregoing declaration, pursuant to section 23(3) of the Act.

3. Such orders as the Court thinks fit.
4. Liberty to apply for further directions.
5. Costs.

AND your Petitioners will ever pray etc.

DATED the 9th day of March 2026

Walkers (Cayman) LLP

WALKERS (CAYMAN) LLP
Attorneys-at-Law for the Petitioners

NOTE: This petition is intended to be served on:

- (a) The Proprietors, Strata Plan No. 608, PO Box 30422, Grand Cayman KY1-1202, Cayman Islands
- (b) the registered proprietors of every strata lot comprised in Strata Plan No. 608, listed in Schedule 1 hereto;
- (c) every insurer of the common property and every strata lot listed in Schedule 2 hereto
- (d) the registered proprietors of charges or other incumbrances over the common property and every strata lot in Strata Plan No 608, listed in the Schedule 3 hereto; and
- (e) the Registrar of Lands.

Schedule 1
The Proprietors of Strata Plan No. 608

Unit / Apt	Proprietor(s)	Registered Address
H1 / Apt 21	Peter James Whittaker	P.O. Box 2530, Grand Cayman KY1-1104, Cayman Islands
H2 / Apt 22	Urista Lesnie-McKenzie Martin Sherlock McKenzie	P.O. Box 915, Grand Cayman KY1-1103, Cayman Islands
H3 / Apt 23	Tarik G. Bowen Kashekia Daley-Bowen	P.O. Box 1344, Grand Cayman KY1-1503, Cayman Islands
H4 / Apt 24	Jeniece Tenisha Powell	P.O. Box 11847, Grand Cayman KY1-1009, Cayman Islands
H5 / Apt 25	Dayana Lisbeth Maldonado Sosa / Norman Michael Bodden Jr.	P.O. Box 1212, Grand Cayman KY1-1102, Cayman Islands
H6 / Apt 26	Sandra Ester Romero / Jonathan Andrew Ebanks	P.O. Box 11586, Grand Cayman KY1-1009, Cayman Islands
H7 / Apt 27	Regina Shahara Bennett	P.O. Box 689, Grand Cayman KY1-1107, Cayman Islands
H8 / Apt 28	Salvador Awe	P.O. Box 31045, Grand Cayman KY1-1205, Cayman Islands
H9 / Apt 7	Tonya Desmona Campbell	P.O. Box 1484, Grand Cayman KY1-1504, Cayman Islands
H10 / Apt 8	Kenrica Martina Dominguez	P.O. Box 2062, Grand Cayman KY1-1105, Cayman Islands
H11 / Apt 9	Jason-Lee Nayon Parchment	P.O. Box 234, Grand Cayman KY1-1301, Cayman Islands
H12 / Apt 10	Karen Juanita Samuels	P.O. Box 681, Grand Cayman KY1-1502, Cayman Islands
H13 / Apt 11	David Ray Hydes	P.O. Box 11280, Grand Cayman KY1-1008, Cayman Islands
H14 / Apt 12A	Marcia Karen Campbell-Porter	P.O. Box 1274, Grand Cayman KY1-1108, Cayman Islands
H15 / Apt 12B	Samantha Jelecia Dixon	P.O. Box 168, Grand Cayman KY1-1801, Cayman Islands
H16 / Apt 14	Charlotte Dapheny Haylock-Carter	P.O. Box 11646, Grand Cayman KY1-1010, Cayman Islands

**Schedule 2
Insurers**

Schedule 3
Charge Holders and Cautioners

Unit / Apt	Restrictions	Incumbrances
H1 / Apt 21	N/A	CICSA Co-Op Credit Union Ltd
H2 / Apt 22	N/A	CICSA Co-Op Credit Union Ltd
H3 / Apt 23	Minister of Finance and Economic Development	Cayman National Bank Ltd.
H4 / Apt 24	Clerk of Court / Registrar of Lands / Department of Labour & Pensions	CICSA Co-Op Credit Union Ltd
H5 / Apt 25	Clerk of Court / Registrar of Lands / Department of Labour & Pensions	Scotiabank & Trust (Cayman) Ltd.
H6 / Apt 26	N/A	N/A
H7 / Apt 27	N/A	Scotiabank & Trust (Cayman) Ltd.
H8 / Apt 28	N/A	N/A
H9 / Apt 7	N/A	Cayman National Bank Ltd.
H10 / Apt 8	N/A	Butterfield Bank (Cayman) Limited
H11 / Apt 9	N/A	Scotiabank & Trust (Cayman) Ltd.
H12 / Apt 10	N/A	N/A
H13 / Apt 11	N/A	CICSA Co-Op Credit Union Ltd
H14 / Apt 12A	N/A	Cayman National Bank Ltd.
H15 / Apt 12B	Clerk of Court / Registrar of Lands / Department of Labour & Pensions	Cayman National Bank Ltd.
H16 / Apt 14	N/A	N/A

NOTICE OF HEARING

TAKE NOTICE THAT the hearing of this Petition will take place at the Law Courts, George Town, Grand Cayman, on _____ at _____ am/pm.

Any correspondence or communication with the Court relating to the hearing of this Petition should be addressed to the Clerk of the Grand Court at PO Box 495, Grand Cayman, KY1-1106, telephone 345 949 4296.