



**Neutral Citation Number: [2026] CIGC (Civ) 27**

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

**Cause No: G 2024-0165**

**(Probate and Administration No. 6 of 2019)**

**IN THE ESTATE OF BRIAN RICHARD SELBY UZZELL, DECEASED  
BETWEEN**

**ANDREA WONG SAM**

**Plaintiff**

**AND**

**CARLOS DE SERPA PIMENTEL**

**(Court Appointed Sole Administrator of the Estate of Brian Richard Selby Uzzell, Deceased)**

**Defendant**

**IN CHAMBERS**

**Coram: Hon. Mrs. Justice Marlene Carter**

**Appearances: Mr. Clayton Phuran of CP Attorneys for the Plaintiff  
Mr. Marcus Staff of Appleby for the Defendant**

**Heard: 31 July 2026**

**Decision on Costs: 3 August 2026**

**Draft Reasons  
circulated: 6 August 2026**

**Reasons Delivered: 18 August 2026**

**REASONS FOR DECISION**

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1. After a hearing on 31 July 2026, this Court ordered the following:
  - (i) *These proceedings are stayed until 1 May 2027 (“the Temporary Stay”).*
  - (ii) *Each of the Plaintiff’s Directions Summons and the Plaintiff’s Specific Disclosure Summons are adjourned generally, with liberty to restore on or at any time after the expiry of the Temporary Stay.*
  - (iii) *The costs of the Plaintiff’s Directions Summons and the Plaintiff’s Specific Disclosure Summons are reserved.*
  - (iv) *The Plaintiff shall pay the Defendant’s costs of and occasioned by the Stay Application, on the standard basis, such costs to be taxed if not agreed.*
  - (v) *Liberty to apply, including during the Temporary Stay.*
2. These are the reasons for the Court’s Order on costs at paragraph (iv) above.

### **The Background**

3. Brian Richard Selby Uzzell (“the Deceased”) died on 30 November 2018. His Will, dated 11 September 2015, was admitted to probate on 18 March 2019. By Order of 7 August 2020, the Defendant was made the sole Administrator of the Deceased’s Estate.<sup>1</sup>
4. Under the Deceased’s Will, the Net Residuary Estate is to be divided between the Deceased’s sons and the Plaintiff. Clause 6 of the will grants the Plaintiff an option to take one or more specified properties “*in or towards satisfaction*” of her share of the Net Residual Estate.
5. The Plaintiff commenced proceedings by Writ of Summons filed 28 June 2024. The Plaintiff seeks a declaration of her entitlement to property at Pembroke Pines, Florida, (hereinafter “the Florida Property”) which she, by the terms of the Deceased’s Will, has the option to have transferred to her as part of her share of the residual estate. The Plaintiff claims to have exercised her option to the Florida Property, that the Defendant is estopped from resiling on his promise to transfer the Florida Property to her, that the Defendant be ordered to take steps to have title to the property transferred

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<sup>1</sup> The Administrator was appointed by the Grand Court after proceedings which resulted in the Plaintiff being removed as a Co-Administrator of the Deceased’s estate.

to her, special damages arising from her payments for expenses to the property and some of the Deceased's medical expenses and other expenses, and an accounting detailing the value of the Net Residual Estate, to include the Florida Property.

6. The Defendant filed his defence on 13 September 2024. A Consent Order was agreed on 24 March 2025 setting a timetable for the further conduct of the case, including standard disclosure, mediation and directions to trial. Mediation took place on 30 June 2025 but did not result in settlement. The proceedings have not progressed since.
7. On 15 April 2026, The Plaintiff filed a Summons seeking an Order that the Administrator file final estate accounts by 19 June 2026 and for the Court to set a Directions timetable leading up to trial of the Plaintiff's action.
8. The Defendant filed a Summons on 12 May 2026 in which he seeks an order to stay the Plaintiff's claim until 1 May 2027 in order to allow him to progress and complete the administration of the Estate.

#### **The Administrator's Application for Stay**

9. The Administrator takes the position that since his appointment he has actively administered the Estate, which is extensive, and that there remains, in terms of administration, the sale of a house in Jamaica, and of an apartment in Greece and a decision to be made regarding the Florida Property, the asset upon which the Plaintiff was granted an option under the Will and upon which the Plaintiff's claim is based.
10. The Administrator urged the Court to give effect to the overriding objectives of dealing with each matter in a just, expeditious and economical manner. The Administrator submitted that the Court has the power to stay or adjourn the claim pursuant to its inherent jurisdiction, to stay proceedings which are premature or whose continuation would be oppressive or contrary to the proper administration of justice. The Court may also in its discretion determine the sequence in which issues are resolved in the course of proceedings.
11. The Administrator submits that a stay would permit him to fulfil his obligations under the law to get in, realize and distribute the property and allow the administration to be completed. It was submitted that the Plaintiff at this point does not have a proprietary interest in any asset of the Estate but only

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the right to due administration. It was further argued that if the stay were granted much of the Plaintiff's claim is likely to be resolved or rendered academic upon completion of the administration, ensuring that any costs of pleadings, discovery etcetera would not be wasted especially to the extent that such will be borne by the Estate.

12. The Administrator argued that permitting a stay would go towards the orderly resolution of the issues between the parties and in effect progress the claim to the extent that the Plaintiff's entitlement under the Estate was dependent on the realization of the value of the Net Residual Estate. The Florida Property was part of that Estate and litigating further now would risk the Court determining the claim on what would be a hypothetical or incomplete basis.
13. The Administrator was prepared to give undertakings not to dispose of the Florida Property in order to preserve the Plaintiff's option, to agree that if the stay were granted the parties would have liberty to apply to lift the stay within the period sought if circumstances changed (e.g. if the properties which were outstanding were sold within a shorter time than presently anticipated). The Administrator argued that for those reasons the Plaintiff would suffer no prejudice by the stay being granted, that the stay would not deny the Plaintiff access to justice but rather would allow for the orderly sequencing of the claim, as the basis upon which it was sought was temporary, anchored to concrete and verifiable administrative steps and reviewable on application, all the while preserving the principal claimed asset until the event to which the claim is directed namely the ascertainment of value of the Net Residual Estate.

#### **The Plaintiff's response to the Application for a Stay**

14. The Plaintiff argued that the Court should first have regard to the statutory requirement for the completion of the administration of the Estate<sup>2</sup>. From that position Counsel for the Plaintiff argued, the Defendant had had almost 6 years since being appointed Administrator of the Estate. As such the administration of the Estate was egregiously delayed and a stay would cause serious and continuing prejudice to the Plaintiff.

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<sup>2</sup> Section 5 of the Succession Act (2021 Revision) states that "*Personal representatives shall have one year within which to realise and administer an estate.*"

Section 7 of the Succession Act (2021 Revision) states that "*Every personal representative shall, within one year after the grant of probate or letters of administration, file in the office of Clerk of the Court, account, showing the receipts and distributions of the testator's or intestate's estate, duly supported by affidavit, and such accounts shall be open to the inspection of persons beneficially interested.*"

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15. The Plaintiff's position is that the submission that the conclusion of the Estate administration will render the Plaintiff's claim otiose was legally and factually misconceived because the claim as filed raised distinct, determinable issues of will construction, proprietary right and promissory estoppel that the Court would have to determine "*regardless of the state of the accounts*".
16. The Plaintiff argued that the Defendant could not show that the stay was being sought in the interest of justice. The Plaintiff placed reliance on issues surrounding the application for specific disclosure raised in the Plaintiff's Summons filed on 12 June 2026 requiring the Defendant to produce information surrounding the sale of assets.
17. The Plaintiff submitted that the primary claim was a declaration of a legal right not a distribution order and as such the matter of the finalization of the administration and the ascertainment of the Net Residual Estate did not affect the declaration based as it was in contract or alternatively in estoppel. Similarly, the claim for special damages was entirely independent of the final accounting being determined. Counsel asserted that it was the Defendant's failure in his statutory duty and inaction which had prolonged the issues surrounding the estate. Counsel argued that the sale of the outstanding properties in Jamaica and Greece should not prolong the finalization of the accounts, since they formed such a small part of the overall value of the Estate.
18. The Plaintiff submits that the stay would result in prejudice to the Plaintiff, further delaying the administration and distribution of the Estate, leading to housing and financial insecurity, erosion of evidence and costs.
19. On the issue of stay the Plaintiff noted:

*"26. The Court has an inherent jurisdiction to stay proceedings where the interests of justice require, but the power is to be exercised with caution. The general principle, consistent with the overriding objective, is that proceedings should be progressed to trial without undue delay.*

*27. The Defendant bears the burden of demonstrating why the interests of justice require a further stay of these proceedings. The Plaintiff submits that the Defendant has not discharged that burden. The matter relied upon – outstanding property sales in Jamaica and Greece – do not depend on or impede these*

*Cayman proceedings. The claim that Andrea's rights will be rendered otiose by a distribution is speculative and as set out above legally misconceived with respect to the primary and alternative claims."*

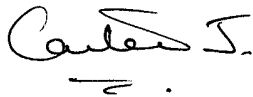
### **Discussion**

20. In the circumstances as outlined above, this Court ordered that the stay should be granted for the following reasons:

- (i) In its case management role, the Court was of the view that some of the outstanding issues between the parties could be assisted by this aspect of the matter, that is, the administration of the Estate being completed.
- (ii) It was not in the interests of justice for the claim to continue to run alongside the administration where part of what was being claimed was essentially what the Administrator was seeking to realize, that being the Net Residual Value of the Estate.
- (iii) Any prejudice to the Plaintiff regarding her option in the Florida Property would be obviated by Administrator's undertaking regarding retention of that property pending the completion of the administration.
- (iv) In circumstances where the Administrator is acting as Trustee for all the Beneficiaries of the Estate, consideration must be given to preserving the value of the Estate assets for distribution. The 3<sup>rd</sup> Affidavit of the Administrator filed to clarify an issue surrounding the sale of some the Estate's assets, was instructive in terms of the costs to the Estate of the Administrator being engaged in ongoing litigation at this stage.
- (v) While the Administrator had not filed interim accounts, he had provided the Beneficiaries with information regarding the ongoing administration of the Estate. Also, while on the application for the stay, the Plaintiff complained of delay, there did not appear to be any issue that there had been progress in the administration of what was a considerable Estate.

- (vi) The Plaintiff had by her Summons for specific disclosure sought further information surrounding the sale of some of the assets of the Estate. The Administrator, in his 3<sup>rd</sup> Affidavit provided that information and was prepared, if a stay was granted, to also provide other information to which the Summons seeming specific disclosure was aimed.
21. On the issue of costs, the primary submission of the Administrator was that costs should be ordered in the ordinary way, that the successful party should have their costs on a standard basis. Counsel for the Administrator intimated that should the Court find that costs should not be awarded in the ordinary way to the successful party and that the Administrator should instead have his costs from the Estate, such costs would be on an indemnity basis and would result, in a practical sense, in the Plaintiff, the unsuccessful party upon the Summons having benefit of shouldering only 5% of such costs since that is the percentage of her entitlement from the Estate. The other Beneficiaries would in effect have paid the other 95% of the costs of the Summons although they have not opposed the application for stay.
22. Counsel for the Plaintiff urged the Court to take another position and to consider the application for a stay as being properly analogous to an application for an extension of time. In this case the Administrator was essentially seeking the Court's leave for an extension of time to complete the administration of the Estate beyond the one-year period prescribed by the legislation for gathering and distributing the Estate. As such, any delay beyond that period placed the burden on the Administrator to justify that delay. Counsel submitted that the only justification advanced for the failure to distribute is the sale of two relatively minor real properties in the Estate, and no justification at all has been given for the delay in filing any accounts.
23. It was therefore argued that the Court should exercise its discretion in relation to costs in a like manner as it would on an Application for an Extension of Time (O.62 r. 6(6))—bearing in mind that the default position is that the costs of such an application are to be borne by the Applicant—or alternatively reserve the question of costs. Counsel argued further that *“It would not be in the interests of justice for a Beneficiary, who is seeking only the proper and timely administration of the estate, to be penalized in costs for holding the Administrator to the obligations imposed by the Rules and the authorities.”*

24. While this may at first blush seem an attractive argument, the context of this application does not easily fit into the matrix of an extension of time. The Administrator is not seeking time to file a pleading. This application was made because the Plaintiff did not agree to consent to the extension. The Plaintiff disagreed with the Administrator's assessment regarding the time needed to complete the Estate and disagreed that a stay of the claim was necessary in the circumstances.
25. I have been particularly careful not to make any findings or observations about the Plaintiff's substantive claim even where the Administrator deemed the relief sought on the claim as premature given the terms of the Deceased's Will and the manner in which the assets fall to be distributed. The claim remains extant. The costs order is aimed only at the Summons seeking the stay. This Court is satisfied that the course sought by the Administrator is in the best interests of the Estate. It is also satisfied that the Plaintiff's substantive claim will not suffer undue prejudice by the granting of the application. The undertaking not to dispose of the Florida Property was offered before the application for the stay was made. The application was properly foreshadowed to the Plaintiff as was the consequential costs order that would be sought should the application be opposed yet ultimately prove successful. The effect of the stay is that the Plaintiff's summonses are also stayed. In those circumstances there is no reason to depart from the normal course for costs to be awarded to the successful party upon the relief sought on the Summons being granted.



**Hon. Mrs. Justice Marlene Carter**  
**Judge of the Grand Court**