

**IN THE GRAND COURT OF THE CAYMAN ISLANDS****CAUSE NO. G OF 2026****BETWEEN:**

**(1) THE AURA PROPRIETORS (being the persons whose names
and addresses are set out in Schedule 1 to this Writ of Summons)**

PLAINTIFFS**AND:**

(1) THE PROPRIETORS, STRATA PLAN NO. 996

AND:

**(2) MATTHEW WIGHT
(3) NAUL BODDEN
(in their capacity as members of the Executive Committee)**

DEFENDANTS**WRIT****TO THE DEFENDANTS:**

**(1) The Proprietors Strata Plan No. 996 - Aura
c/o Grand Cayman Property Services
PO BOX 10251
Grand Cayman KY1-1003**

**(2) Matthew Wight
PO BOX 10251
34 Coconut Drive, South Sound
Grand Cayman KY1-1003
Cayman Islands**

**(3) Naul Bodden
PO Box 1168
1 Sardinia CI Lot 20
Grand Cayman KY1-1102
Cayman Islands**

This **Writ of Summons and Statement of Claim** was filed by Nelsons Legal whose address for service is The Grand Pavilion, 802 West Bay Road, PO Box 30069, Grand Cayman, KY1-1201, Cayman Islands. (Ref: CF/8280/00001).

THIS WRIT has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within fourteen (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 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest this action. If you intend to defend this 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 to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without further notice to you.

Issued this 1st day of July 2026.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

PARTICULARS OF CLAIM

INTRODUCTION

1. This claim concerns serious and ongoing failures in the governance and management of the First Defendant, including:
 - 1.1.breach of mandatory by-laws;
 - 1.2.breach of statutory obligations under the Strata Titles Registration Act (the "**Act**");
 - 1.3.conflicts of interest at Executive Committee level;
 - 1.4.failure to enforce strata debts;
 - 1.5.failure to provide transparency and proper accounting.
2. The failures complained of are not isolated. They form part of a sustained course of conduct evidenced by contemporaneous correspondence, financial records and meeting minutes, demonstrating a pattern of:
 - 2.1.non-enforcement of strata debts (particularly those owed by Aura Ltd., an NCB Group company and the developer of the Aura development (the "**Developer**"), or related entities);
 - 2.2.refusal to provide transparency as to those debts;
 - 2.3.repeated failures to engage with proprietors on material issues; and
 - 2.4.prioritisation of the interests of the Developer over the interests of the proprietors as a whole.

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3. Claimants seek relief on the basis that:

3.1. the governance of the strata has broken down;

3.2. the Executive Committee ("**ExCo**") is conflicted and unable to act independently;

3.3. Court intervention is required.

PARTIES

4. The Plaintiffs are certain proprietors of strata lots with Strata Plan No. 996. The claim concerns systemic governance failures affecting the strata as a whole and is not dependent upon the individual account status of any proprietor.
5. The First Defendant is a body corporate established pursuant to section 5 of the Strata Titles Registration Act (2013 Revision) (the "Act") and is made up of the proprietors, at any given time, of the strata lots comprising Strata Plan No. 996 (the "Strata Plan"), being the condominium development known as Aura.
6. The Second Defendants are members of the ExCo responsible for managing the affairs of the Corporation.

FRAMEWORK

7. Under section 5 of the Act, the proprietors are constituted as a body corporate responsible for the management of the strata.
8. The First Defendant's functions include the control, management and administration of the strata, the maintenance and repair of common property and the enforcement of contributions from proprietors.

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9. The Corporation is required to maintain proper accounts, levy and collect contributions from proprietors and keep proper records available for inspection by proprietors.
10. The ExCo is the body through which the Corporation performs these statutory obligations.
11. The Corporation is further governed by registered by-laws which impose mandatory duties.
12. Relevant provisions within the by-laws to this action include:

Financial Record-Keeping

- 11.1 Clause 3.11.2 - obligation to keep proper books of account
- 11.2 Clause 3.11.3 - obligation to prepare proper accounts

Transparency and Inspection

- 11.3 Clause 3.11.6 - obligation to make books of account available for inspection
- 11.4 Clause 8.1.16 - obligation to maintain accurate accounts and provide statements

Meetings and Governance

- 11.5 Clause 2.2 - requirement to hold Annual General Meetings and present accounts
- 11.6 Clause 3.11.1 - requirement to keep minutes

DUTIES

13. As members of the ExCo the Second Defendants owe fiduciary duties to the body of proprietors.
14. These include duties to:

- 13.1. act in good faith;
- 13.2. act in the best interests of the Corporation;

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- 13.3. avoid conflicts of interest;
- 13.4. exercise reasonable care and skill.

CONFLICT OF INTEREST

- 15. The Second Defendants are, or include, individuals connected to the Developer.
- 16. In particular, the Second Defendant Matthew Wight is a senior officer of the Developer and participates in decisions affecting both liabilities owed by the Developer (and its related entities) to the First Defendant, and potential claims which the First Defendant may bring against the Developer.
- 17. The Developer owns units within the strata, owes debts to the First Defendant and is exposed to claims by the First Defendant.
- 18. The ExCo is therefore placed in a position of inherent conflict between the interests of the Developer and the interests of the Corporation and proprietors.
- 19. At a meeting held on 13 January 2026 between the Sub Committee, the property manager and the Second Defendants, the issue of conflict was expressly raised by the proprietors. The Second Defendant, Matthew Wight, declined to step down and maintained that such structure would continue whilst the Developer retained units.
- 20. The Second Defendant has therefore knowingly continued to act in circumstances of ongoing and unmanaged conflict, in breach of their fiduciary and statutory duties.
- 21. The ExCo has failed to avoid or manage this conflict in breach of fiduciary and statutory obligations. Any such structure or disclosure does not displace the fiduciary and statutory duties owed by the Defendants, nor permit failures to properly manage conflicts, including recusal where appropriate

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BREACHES OF BY-LAWS AND ACT*Failure to enforce contributions*

22. Developer-owned units accrued significant arrears in strata contributions.
23. As at 31 December 2025, accounts receivable attributable in large part to Developer-owned units exceeded approximately CI\$190,000.
24. By April 2026, total accounts receivable had increased to approximately CI\$244,355.
25. By contrast, the strata's available cash at that time was approximately CI\$65,198, representing little more than one month of operating expenses.
26. The strata incurred expenses of approximately CI\$220,000 in the period January to April 2026, equating to approximately CI\$55,000 per month, thereby placing the strata in a precarious financial position in circumstances where arrears remained unpaid.
27. On or about 30 January 2026, the property manager circulated a communication from the Developer confirming that all outstanding arrears attributable to Developer owned units would be paid "on or before 13 February 2026", reducing the balance to zero. That representation was not honoured and the arrears remained outstanding.
28. The by-laws, including Clause 6.1(v)-(vii), require enforcement of such contributions, including the application of penalties and interest.
29. The ExCo has:
 - 20.1. failed to levy interest;
 - 20.2. failed to apply penalties;

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20.3. failed to take enforcement action.

30. The Defendants have expressly acknowledged that no late fees have been implemented in respect of any units, including Developer owned units

31. The Defendants have also expressly stated that no interest has been levied, and no enforcement action has been taken in respect of overdue strata contributions, including those owed by the Developer and its related entities.

32. The applicable by-laws provide for the application of interest at a rate of 1.5% per month after 10 days, together with further enforcement mechanisms including the ability to take possession of units and collect rental income.

33. The failure to take any such steps, particularly in circumstances where the largest debtor is connected to the Developer, constitutes a breach of the by-laws, statutory obligations under the Act and the fiduciary duties owed by the Second Defendants.

34. This constitutes breaches of Clause 3.11.2 and 3.11.3 (failure to properly account for receivables), statutory duties under the Act to collect contributions which have been assessed and the fiduciary duties set out above.

Failure of accounts and transparency

35. From at least January 2026, including following the 13 January 2026 meeting, the Plaintiffs requested access to full financial records, including detailed accounts receivable. Whilst limited high level financial statements were circulated, including in or about May 2026, the Defendants have refused to provide the underlying detail.

36. The ExCo failed to provide adequate information in breach of Clause 3.11.6 (inspection rights), Clause 8.1.16 (accurate accounting and disclosure) the statutory obligations to maintain proper records.
37. The provision of selective or incomplete financial information does not satisfy the Defendants' obligations of transparency, proper accounting or inspection under the by-laws or the Act.
38. The ExCo has thereby failed to provide transparency required under both the by-laws and the Act.

Failure to engage with proprietors

39. The Defendants have failed and/or refused to engage meaningfully with proprietors on material issues affecting the strata.
40. At a meeting held on 13 January 2026, the Second Defendant Matthew Wight attended without adequate preparation, was unable to answer material questions and undertook to revert on multiple issues but failed to do so, including matters raised at the 13 January 2026 meeting.
41. Numerous action items were recorded at that meeting, including the provision of information relating to the dock, financial arrangements and developer obligations, which have not been adequately addressed.
42. This ongoing failure to engage has materially contributed to the breakdown in trust between proprietors and the Defendants.

Failure to hold AGMs

43. The Corporation failed to hold AGMs as required in breach of Clause 2.2 of the by-laws, the statutory governance framework under the Act. In particular, no Annual General Meeting has been held for a period of approximately three years. Although an AGM has recently been suggested, no proper notice has been provided and no compliant meeting has taken place to date.
44. The proprietors have been deprived of their right to oversight and participation.

Failure to keep and maintain records

45. The ExCo is required to keep minutes (Clause 3.11.1), maintain proper accounts (Clauses 3.11.2-3.11.3) and keep records available for inspection.
46. There has been inadequate record-keeping and a failure to provide records upon request.
47. This constitutes further breaches of both the by-laws and statutory duties

Failure to act in best interests

48. The Developer confirmed that approximately CI \$180,000 had been set aside for the dock but held within Aura Ltd., not the strata. Requests to safeguard those funds were refused. The Defendants have failed to provide adequate disclosure or progress in respect of the dock or those funds.
49. The Corporation has incurred substantial costs in relation to common property defects.
50. The issue of defective tiles has been raised repeatedly by proprietors, who say that the tiles are not fit for purpose and require excessive cleaning and maintenance at cost to the strata.

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51. Notwithstanding those concerns, the Defendants have failed to pursue any meaningful claim against the Developer in respect of the defects and have instead treated remediation costs as a strata expense. Remedial works are estimated at approximately CI\$60,000. The Developer asserts that the tiles are fit for purpose, which is disputed. The extent of cleaning required and deterioration demonstrate otherwise. The Developer has indicated a willingness to contribute to the remediation costs, evidencing that substantive works are required.
52. The ExCo has failed to investigate claims against the Developer to recover the losses in breach of fiduciary duty and failure to act in the best interests of the Corporation.

APPOINTMENT OF ADMINISTRATOR

53. There has been a material breakdown in trust between the proprietors and the ExCo arising from the repeated breaches of by-laws, lack of transparency and conflicts of interest.
54. The ExCo is no longer capable of properly managing the Corporation.
55. Section 9(1) of the Act gives the Court power to appoint an administrator.
56. The circumstances of this case make such appointment necessary. In particular:
- 56.1. the largest debtor to the strata is connected to the Developer;
 - 56.2. enforcement action in respect of that debt has not been taken;
 - 56.3. transparency has been restricted; and
 - 56.4. the strata is exposed to ongoing financial risk as a result.

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57. The Claimants have no effective internal remedy.

AND THE PLAINTIFF CLAIMS:

1. Declarations that the Second Defendants:
 - 1.1. have acted in breach of the by-laws of Strata Plan No. 996;
 - 1.2. have acted in breach of fiduciary duties owed to the proprietors;
 - 1.3. have acted in breach of statutory duties under the Strata Titles Registration Act (2013 Revision).
2. An order pursuant to section 9(1) of the Strata Titles Registration Act appointing an independent administrator over the First Defendant;
3. An order removing or restraining the Second Defendants from acting as members of the Executive Committee;
4. Such further and/or other relief as this Honourable Court deems appropriate;
5. Costs



Nelsons Legal
Attorneys for the Plaintiff

Plaintiff's address for service:

Nelsons Legal, The Grand Pavilion, 802 West Bay Road, George Town, Grand Cayman, Cayman Islands.

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Schedule 1**THE AURA PROPRIETORS**

	Proprietor(s)	Address
1.	Garth MacDonald	Aura 409, 1406 South Sound Road, Grand Cayman
2.	John Henry	PO Box 1782, Grand Cayman KY1-1109
3.	Duncan Kilpatrick (on behalf of DBK Holdings Ltd.)	Unit #103, 1406 South Sound Road, George Town, Grand Cayman
4.	Ryan Cooke	Aura 209, 1406 South Sound Road, Grand Cayman
5.	Balmattie Maclean & Daniel Maclean	PO Box 936, Grand Cayman KY1-1102
6.	Christine Mathews	Aura 307, 1406 South Sound Road, Grand Cayman
7.	Oleksandr (Alex) Topalov	Aura 104, 1406 South Sound Road, Grand Cayman
8.	Mona Kazemi Aliakbar & Joshua Henderson Browne	c/o The Proprietors Strata Plan No. 996 – Aura c/o Grand Cayman Property Services PO BOX 10251 Grand Cayman KY1-1003
9.	Leann Shines & Anthony Shines	Aura 207, 1406 South Sound Road, Grand Cayman
10.	Lauren Knight	PO Box 31074, SMB Grand Cayman KY1-1205
11.	Faith Goldman & Howard Goldman	c/o The Proprietors Strata Plan No. 996 – Aura c/o Grand Cayman Property Services PO BOX 10251 Grand Cayman KY1-1003
12.	Jeremy Hadley	26 Parklands Close, George Town, Grand Cayman; PO Box 905, Grand Cayman KY1-1103
13.	Jeremy Trader & Danielle Trader	c/o The Proprietors Strata Plan No. 996 – Aura

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		c/o Grand Cayman Property Services PO BOX 10251 Grand Cayman KY1-1003
14.	Simon Yard & Rachel Yard	PO Box 10027, Grand Cayman KY1-1001
15.	James Melen	c/o The Proprietors Strata Plan No. 996 – Aura c/o Grand Cayman Property Services PO BOX 10251 Grand Cayman KY1-1003

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IN THE GRAND COURT OF THE CAYMAN ISLANDS**CAUSE NO. G OF 2026****BETWEEN:**

**(1) THE AURA PROPRIETORS (being the persons whose names
and addresses are set out in Schedule 1 to this Writ of Summons)**

PLAINTIFFS**AND:**

(2) THE PROPRIETORS, STRATA PLAN NO. 996

AND:

(3) MATTHEW WIGHT

(4) NAUL BODDEN

(in their capacity as members of the Executive Committee)

DEFENDANTS**ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS**

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

Important. 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.

-
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

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Service of the Writ is acknowledged accordingly

Signed

Attorney for the Defendant

Address for service:

Please complete overleaf

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

Nelsons Legal
The Grand Pavilion,
802 West Bay Road,
George Town,
Grand Cayman
Ref: CF/8280-00001

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

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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 495, 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

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.