

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 381 OF 2009

IN THE ESTATE OF COLEY AUSTILL SCOTT Sr, DECEASED

AND IN THE MATTER OF THE TRUSTS ACT (2007 Revision)

BETWEEN

STEVEN SHANE SCOTT

(Co-Executor of the estate of the late Coley Austill Scott Sr)



Plaintiff

- AND -

COLEY AUSTILL SCOTT Jr

(Co-Executor of the estate of the late Coley Austill Scott Sr)

Defendant



---

ORIGINATING SUMMONS

---

**TO:** COLEY AUSTILL SCOTT JR of 42679 Hwy 42, Prairieville, Louisiana 70769, co-executor of the estate of the late Coley Austill Scott Sr (“the Deceased”);

LET THE DEFENDANT, within 28 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106.

By this Summons which is issued on the application of the Plaintiff, Steven Shane Scott, of 166 Hopkins Cemetery Rd, Harrington, Delaware 19952, co executor of the estate of the Deceased, the Plaintiff seeks the following relief:

1. That this Honourable Court may determine whether:

- (1) the document dated 15<sup>th</sup> October 1984 signed by the Deceased and entitled ‘Nominee Agreement’ (hereafter, “the Nominee Agreement”) is governed by the laws of the Cayman Islands or by some other, and if so which, laws;

(2) upon the true construction of the Nominee Agreement the Deceased during his lifetime

- (i) assigned;
- (ii) transferred;
- (iii) agreed to hold on trust; or
- (iv) otherwise parted with

his interest in 600 of the 1000 shares in Island Resorts Limited registered in the names of certain corporate service providers (hereafter "the Corporate Service Providers");

(3) If the answer to any of (2) (i) to (iv) above be in the affirmative, whether the Corporate Service Providers hold the 600 shares so assigned, transferred, held on trust or otherwise parted with

- (i) on behalf of the children of the Deceased identified in the Nominee Agreement in the proportions therein set out; or
- (ii) on behalf of the Plaintiff and Defendant as co-executors of the estate of the Deceased;

(4) If the answer to (3) above is (ii), whether the Plaintiff and Defendant as co-executors of the estate of the Deceased are obliged to give effect to the said assignment, transfer, trust or other arrangement and, if they are, the manner in which the same should be given effect;

(5) If the answer to (i) to (iv) of (2) be in the negative, whether by reason of estoppel or for some other reason 600 of the 1000 shares in Island Resorts Limited are held by

- (i) the Corporate Service Providers or
- (ii) the Plaintiff and the Defendant as co-executors of the estate of the Deceased

on behalf of the children of the Deceased in the proportions set out in the Nominee Agreement.

2. That provision may be made for the costs of this application.

3. Further or other relief.

Date the 14<sup>th</sup> day of August 2009

*Higgs Johnson Truman Bodden & Co.*  
Higgs Johnson Truman Bodden & Co

NOTE -This Summons may not be served later than 4 calendar months (or, if leave is required to serve out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons was issued by Higgs Johnson Truman Bodden & Co, Attorneys-at-Law, whose address for service is P.O. Box 866, Anderson Square Building, Shedden Road, George Town, Grand Cayman, KY1-1103 Cayman Islands

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS

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, PO Box 495, George Town, Grand Cayman, KY1-1106.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. If you wish to defend the claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 named stated on the Originating Summons*)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2009

IN THE ESTATE OF COLEY AUSTILL SCOTT Sr, DECEASED

AND IN THE MATTER OF THE TRUSTS ACT (2007 Revision)

B E T W E E N

STEVEN SHANE SCOTT

(Co-Executor of the estate of the late Coley Austill Scott Sr)

Plaintiff

- AND -

COLEY AUSTILL SCOTT Jr

(Co-Executor of the estate of the late Coley Austill Scott Sr)

Defendant

**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING 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.

---

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

---

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

Yes

No

---

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

*Please complete overleaf*

Address for service:

**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 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.*

Higgs Johnson Truman Bodden  
& Co  
PO Box 866  
Anderson Square Building  
George Town KY1-1103  
Grand Cayman  
Ref: RPD/zs/501384-000001

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

