

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

FED0079.
CAUSE NO. OF 2010

IN THE MATTER of the Declaration of Trust made on 28th December 1999 by
Meespierson (Cayman) Limited known as the JC Trust

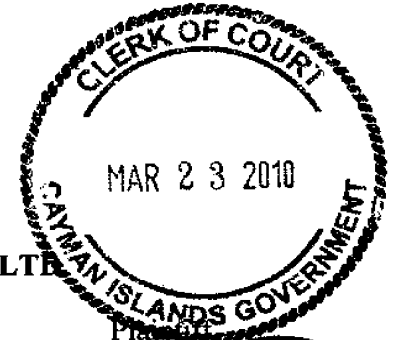
AND IN THE MATTER of the Trusts Law (2009 Revision)

BETWEEN:

SCOTIABANK & TRUST (CAYMAN) LTD

AND

- (1) **DAVID AXELROD**
- (2) **RHODA SMITH**
- (3) **DAVID MONCRIEFF**
- (4) **JULIE CUARTERO-MAJORS**
- (5) **JELLIAN CUARTERO-MAJORS (a minor)**



Defendants

ORIGINATING SUMMONS

TO: **DAVID AXELROD** of 1211 Fifth Avenue, Suite 1900 Portland,
Oregon 97204-3795 United States of America

AND TO: **RHODA SMITH** of P.O. Box 5133 Saipan, MP 96950

AND TO: DAVID MONCRIEFF of 6419 Dogwood Lane, Kent, British Columbia, Canada

AND TO: JULIE CUARTERO-MAJORS of Anderson Square Building, Shedden Road, George Town, Grand Cayman, Cayman Islands

AND TO: JELLIAN CUARTERO-MAJORS a minor, by her guardian ad liem George Giglioli of Albert Panton Street, Kirk House, Grand Cayman, Cayman Islands

LET THE DEFENDANTS, DAVID AXELROD of 1211 Fifth Avenue, Suite 1900 Portland, Oregon 97204-3795 United States of America, **RHODA SMITH** P.O. Box 5133 Saipan, MP 96950, **DAVID MONCRIEFF** of 6419 Dogwood Lane, Kent, British Columbia, Canada, **JULIE CUARTERO-MAJORS** of Anderson Square Building, Shedden Road, George Town, Grand Cayman, Cayman Islands, **JELLIAN CUARTERO-MAJORS** (a minor) of 4F Kirk House, Grand Cayman, Cayman Islands within 28 days after service of this Originating Summons on them, counting the day of service, return the accompanying acknowledgment of service to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman KY1-1106, Cayman Islands B.W. I.

BY THIS ORIGINATING SUMMONS which is issued on the application of the Plaintiff **SCOTIABANK & TRUST (CAYMAN) LTD** of 6 Cardinal Avenue, Grand Cayman, Cayman Islands, who is trustee of the said Declaration of Trust ("the Settlement"), against the Defendants (whose addresses are given above and who are interested under the Settlement), the Plaintiff seeks the following relief:

1. An order of the Court approving on behalf of all beneficiaries of the Settlement the exercise by the Plaintiff of a power provided for at clause

3.1.1 of the Settlement in the terms of a draft minute of order which the Plaintiff intends to exhibit to an affidavit to be sworn on behalf of the first Plaintiff or in such other terms as the Court may think fit;

2. An order making provision for the costs of this application to be as provided in the said draft minute of order or in such other terms as the Court thinks fit;
3. Such further or other relief as the Court thinks fit.

Dated 22 March 2010

Conyers Dill & Pearman

CONYERS DILL & PEARMAN

Attorneys for the Plaintiff

If the Defendants do not acknowledge service, judgment may be given or made against, or in relation to them, as the Court may think just and expedient

NOTE: This Originating Summons may be served not later than 4 calendar months (or if leave is required to effect notice 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 forms.

THIS ORIGINATING SUMMONS was issued by CONYERS DILL & PEARMAN on behalf of the Plaintiff whose address for service is Cricket Square, Hutchins Drive, Grand Cayman, Cayman Islands.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
OF 2008**

CAUSE NO:

BETWEEN:

SCOTIABANK & TRUST (CAYMAN) LTD

Plaintiff

AND

- (1) DAVID AXELROD**
- (2) RHODA SMITH**
- (3) DAVID MONCRIEFF**
- (4) JULIE CUARTERO-MAJORS**
- (5) JELLIAN CUARTERO-MAJORS (a minor)**

Defendants

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

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

<p>Important: Read the accompanying directions and notes for guidance carefully before completing the form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.</p>		
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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.

Attorney for the Defendant

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.

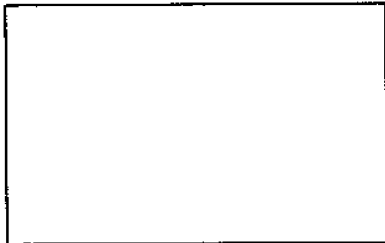
Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Please complete overleaf

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

Conyers Dill & Pearman
Attorneys-at-Law
PO Box 2681
Grand Cayman KY1-1111
Cayman Islands

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



**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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 495G, George Town, Grand Cayman.

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. If you wish to defend 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 name 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.