

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 0170 of 2010

IN THE MATTER of the Sir Jack Hayward Discretionary Settlement 1993 dated 16 March 1993
and made by the Plaintiff and another ("the Settlement")

BETWEEN:

SIR JACK HAYWARD

Plaintiff

AND:

- (1) STRIKER TRUSTEES LIMITED
- (2) HANNES BABAK
- (3) DEREK HARRINGTON
- (4) PATRICIA BLOOM
- (5) AMY SHEPEARD
- (6) JULIUS TREVOR BETHEL

Defendants

ORIGINATING SUMMONS

TO: Striker Trustees Limited
3rd Floor, Montague Sterling Centre
East Bay Street PO Box N-3242
Nassau
Bahamas

AND TO: Hannes Babak
148 Seagate Lane
Freeport
Grand Bahama
Bahamas

AND TO: Derek Harrington
12 Wray Mill House
Wray Mill Park
Batts Hill
Reigate
Surrey RH2 0LJ
England



AND TO: Patricia Bloom
Gravel Road
Fortune Cay Club
Freeport
Grand Bahama
Bahamas

AND TO: Amy Shepeard
4447 Arabian Way
Davie
Florida FL33328
U.S.A.

AND TO: Julius Trevor Bethel
Seascape Lane
Freeport
Grand Bahama
Bahamas

LET THE DEFENDANTS Striker Trustees Limited, Hannes Babak, Derek Harrington, Patricia Bloom, Amy Shepeard and Julius Trevor Bethel 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, the Law Courts, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

BY THIS ORIGINATING SUMMONS, which is issued on the application of the Plaintiff, Sir Jack Hayward, of Gravel Road, Fortune Cay Club, Freeport, Bahamas, who is a beneficiary of the said Settlement, against the Defendants whose addresses are given above and who in the case of (i) the 1st Defendant claims to be a trustee of the Settlement notwithstanding its removal by an instrument ("the 2010 Instrument") dated 8 January 2010 and made by the Protector of the Settlement; in the case of (ii) the 2nd and 3rd Defendants are the present trustees of the Settlement; and in the case of (iii) the 4th, 5th and 6th Defendants are the other living beneficiaries of the Settlement, the Plaintiff seeks the following relief:-

- (1) a declaration whether in the events that have occurred the present trustees of the Settlement are -
 - (a) the 2nd and 3rd Defendants (and that the 1st Defendant was removed by the 2010 Instrument); or
 - (b) such other person or persons as the Court may determine;

- (2) if the Court determines the question in paragraph (1) above in sense (a), an order directing the 1st Defendant to transfer the assets held subject to the terms of the Settlement to the 2nd Defendant and 3rd Defendant as trustees of the Settlement (or otherwise to such other persons as the Court may direct) but subject and without prejudice to any rights of indemnification of the 1st Defendant as a former trustee of the Settlement;
- (3) if and so far as may be necessary and the Court thinks fit, directions from the Court as to the form of lien (if any) to which the 1st Defendant may be entitled as a former trustee of the Settlement;
- (4) that the Court may direct how provision may be made for the costs of these proceedings to be paid out of the trust funds held subject to the Settlement;
- (5) such further or other relief as the Court thinks fit.

Dated 20 April 2010.



Bodden & Bodden
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 Bodden & Bodden, attorneys for the Plaintiff, whose address for service is that of his said attorneys, namely: Grand Pavilion Commercial Centre, 802, West Bay Road, PO Box 10335, Grand Cayman KY1-1003, Cayman Islands [Ref: 1154-0005/WJH].

**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, P.O. Box 495GT, George Town, Grand Cayman.

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. 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.

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SIR JACK HAYWARD

Plaintiff

AND:

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- (6) JULIUS TREVOR BETHEL

Defendants

**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.

Attorney for the Defendant
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 is suing in person) of his name, address and reference, if any, in the box below.

Bodden & Bodden Grand Pavilion Commercial Centre 802, West Bay Road PO Box 10335 Grand Cayman KY1-1003 Cayman Islands (our ref 1100-0001/WJH)

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

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