

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION



CAUSE NO: FSD 115 OF 2010

IN THE MATTER of a Deed of Trust dated 28 June 1999 made between Yahya Murat Demirel, as Settlor and Merrill Lynch Bank and Trust Company (Cayman) Limited as Trustee, known as the "Mana Trust"

AND IN THE MATTER of a Deed of Trust dated 28 June 1999 make between Yahya Murat Demirel, as Settlor and Merrill Lynch Bank and Trust Company (Cayman) Limited as Trustee, known as the "Dolphin Trust "

AND IN THE MATTER of the Trusts Law (2009 Revision) and GCR Order 85, rule 7

BETWEEN:

MERRILL LYNCH BANK AND TRUST COMPANY (CAYMAN) LIMITED

Plaintiff

AND

- (1) YAHYA MURAT DEMIREL
- (2) AYSE NUR DEMIREL (FORMERLY KNOWN AS AYSE NUR ESENLER)
- (3) TASARRUF MEVDUATI SIGORTA FONU
- (4) THE ATTORNEY GENERAL

Defendants

ORIGINATING SUMMONS

LET THE DEFENDANTS attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2010 at on the hearing of an application by Merrill Lynch Bank and Trust Company (Cayman) Limited, of 4th Floor, Harbour Centre, North Church Street, George Town, Cayman Islands, KY1-1102 (the "Trustee"), as trustee of two Cayman Islands trusts, known as the "Mana Trust" and the "Dolphin Trust" (together, the "Trusts"), for the following relief:

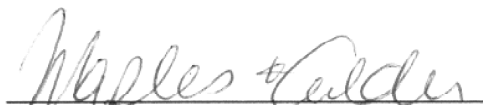
- 1 Directions as to what steps, if any, the Trustee should take, or cause companies owned by the Trustee as Trustee of the Trusts ("Companies") to take, in respect of the appeal to the Judicial Committee of the Privy Council (the "Appeal") of Tasarruf Mevduati Sigorta Fonu from the decision of the Court of Appeal of the Cayman Islands dated 9 September 2009

entitled *Tasarruf Mevduati Sigorta Fonu v. (1) Merrill Lynch Bank and Trust Company (Cayman) Limited (2) Kaffee Limited (3) Barla Finance Limited (4) Cunur Cash Limited (5) Medro Limited (6) Yahya Murat Demirel* (Civil Appeal No 9 of 2009);

- 2 If the Court directs that the Trustee and/or the Companies take any part in the Appeal, directions as to whether or not the Trustee and/or the Companies should make an application to the Court of Appeal of the Cayman Islands for security for its/their costs of the Appeal pursuant to Rule 37(2) of the Judicial Committee (Appellate Jurisdiction) Rules Order 2009;
- 3 To the extent necessary, leave to serve this Originating Summons out of the jurisdiction pursuant to GCR Order 11;
- 4 All further and necessary orders and directions as this Honourable Court shall think fit, including, if necessary, directions as to service; and,
- 5 That the costs of this application be raised and paid on an indemnity basis out of the income and/or capital of the Trusts equally, or as the Court otherwise deems appropriate.

AND LET THE DEFENDANTS within 14 days (or, if leave is required to effect service out of the jurisdiction, such other period as the Court may order) after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

DATED this 26th day of April 2010


Maples and Calder

NOTES: -

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

If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

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

THIS ORIGINATING SUMMONS was issued by Maples and Calder, attorneys for the Plaintiff, whose address for service is PO Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: CDM/JQC/SBA/615697/18718754)

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BETWEEN:

MERRILL LYNCH BANK AND TRUST COMPANY (CAYMAN) LIMITED

Plaintiff

AND

- (1) YAHYA MURAT DEMIREL**
- (2) AYSE NUR ESENLER**
- (3) TASARRUF MEVDUATI SIGORTA FONU**
- (4) THE ATTORNEY GENERAL**

Defendants

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]

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.

Maples and Calder
PO Box 309
Ugland House
George Town
Cayman Islands
KY1-1104

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

[Empty box for defendant's Attorney indorsement]

Acknowledgment of service of originating summons (0.10, r.5)

**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, 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.