

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

CAUSE NO: FSD 0186 OF 2010

IN THE MATTER of a Deed of Trust dated 3 September 2002 made between Wong Sin Just and Tan Yoke Hui, as Settlers and Coufts (Cayman) Limited as Original Trustee, known as the "Bettina Trust"

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

BETWEEN:

RBS Coufts (Cayman) Limited

AND

- (1) SIN JUST WONG
- (2) YOKE HUI TAN
- (3) BENEDICT KEI SHEN WONG

Defendants



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**ORIGINATING SUMMONS**

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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 RBS Coufts (Cayman) Limited of 1446 West Bay Road, PO Box 707, Grand Cayman KY1-1107, Cayman Islands (the "Trustee"), as trustee of a Cayman Islands STAR trust, known as the "Bettina Trust" (the "Trust"), for the following directions:

- 1 A direction as to whether the Trustee should submit to the jurisdiction of the High Court of the Hong Kong Special Administrative Region ("the Hong Kong Court") in respect of Matrimonial Cause No.6 of 2008 ("the Hong Kong Proceedings") in which an order has been made to join the Trustee as a Respondent;
  
- 2 If the Court directs that the Trustee should submit to the jurisdiction of the Hong Kong Court in respect of the Hong Kong Proceedings, directions as to what steps the Trustee should take in response to:
  - (1) An application made in those proceedings by the Second Defendant (who, along with the First Defendant is a settlor, beneficiary and enforcer of the Trust) seeking an order to vary the Trust so that 40% of the shares of Bettina Holdings Ltd (a Cayman Islands company wholly owned by the Trust) and 40% of the shares of Jupiter Consultants Limited (a Hong Kong company indirectly owned by the Trust), be transferred out of the Trust for distribution in the Hong Kong Proceedings; and
  
  - (2) applications made in the Hong Kong Proceedings by Wong Kei Shen Benedict ("Benedict"), a beneficiary and enforcer of the Trust, seeking orders:
    - a. to be joined as a party to the Hong Kong Proceedings;
  
    - b. to join Wong Kei Shi Nicoleen and Wong Kei Min Justin (both minors and beneficiaries of the Trust) ("the Minor Beneficiaries") as parties to the Hong Kong Proceedings;
  
    - c. for the appointment of a guardian ad litem to act for the Minor Beneficiaries; and
  
    - d. for the costs of Benedict's application to be provided for;
  
- 3 A direction as to what response, if any, the Trustee should give to requests by the Hong Kong Court, and / or the parties to the Hong Kong Proceedings, and / or third parties served with disclosure orders or subpoenas in those proceedings, for information regarding trust assets, which may constitute confidential information pursuant to Cayman Islands law; and, if requests are made for information which

may be confidential, whether an application should be made under section 4 of the Confidential Relationships (Preservation) Law (2009 Revision).

- 4 An order that the Trustee's costs arising out of the Hong Kong Proceedings be met out of the Trust assets on an indemnity basis;
- 5 All further and necessary orders and directions as this Honourable Court shall think fit; and
- 6 An order that the Trustee's costs of this application be paid on an indemnity basis out of the Trust.

AND LET THE DEFENDANTS within 14 days (or, if leave is required to effect service 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 Acknowledgement of Service to the Courts office.

DATED this 11<sup>th</sup> day of August 2010

  
Ogier

NOTES:-

(1) 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.

(2) 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 Acknowledgement of Service are given with the accompanying form.

This Originating Summons was issued by Ogier, attorneys for the Plaintiff, whose address for service is 89 Nexus Way,  
Camana Bay, Grand Cayman, KY1-9007, Cayman Islands  
(Ref: CRU/RAR/422630.00001)

**Acknowledgement 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, P.O. Box 495G, 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.

IN THE MATTER of a Deed of Trust dated 3 September 2002 made between Wong Sin Just and Tan Yoke Hui, as Settlers and Coutts (Cayman) Limited as Original Trustee, known as the "Bettina Trust"

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

BETWEEN:

RBS COUTTS (CAYMAN) LIMITED

Plaintiff

AND

(1) SIN JUST WONG  
(2) YOKE HUI TAN  
(3) BENEDICT KEI SHEN WONG

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.

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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.

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

yes

no

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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.

**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.

Ogier  
Attorneys-at-Law  
PO Box 1234  
Grand Cayman KY1-9007  
CAYMAN ISLANDS  
(Ref. 422630.00001/CRU/RAR)

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]