

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD NO: 0093 OF 2011

IN THE MATTER of a Deed of Trust between Norman Echavarría Olózaga and Rothschild Trust Guernsey Limited dated 29 December 1995 (known as the "Elsa Trust") as purportedly amended and restated on 25 September 2004

AND IN THE MATTER of GCR Order 85

BETWEEN:

MARY ELSA SONIA ECHAVARRÍA LINCE

AND:

- (1) ROTHSCHILD TRUST GUERNSEY LIMITED
- (2) DANIEL ECHAVARRÍA ARANGO
- (3) VALENTINA ECHAVARRÍA ARELLANO (a minor)
- (4) CAMILA ECHAVARRÍA ARELLANO (a minor)
- (5) PAULA ECHAVARRÍA ARANGO
- (6) SALVADOR VIDAL ECHAVARRÍA (a minor)
- (7) BAUTISTA VIDAL ECHAVARRÍA (a minor)



Plaintiff

Defendants

ORIGINATING SUMMONS

TO: ROTHSCHILD TRUST GUERNSEY LIMITED
St Peter's House, Le Bordage
St Peter Port, Guernsey
Channel Islands, GY1 6AX

AND TO: DANIEL ECHAVARRÍA ARANGO
3570 S. Mooring Way
Miami, Florida
USA 33133-6520

AND TO: PAULA ECHAVARRÍA ARANGO
8320 SW 52nd Avenue
Miami, Florida
USA 33143-8441

AND TO: VALENTINA ECHAVARRÍA ARELLANO
c/o Daniel Echavarría Arango
3570 S. Mooring Way
Miami, Florida
USA 33133-6520

AND TO: CAMILA ECHAVARRÍA ARELLANO
c/o Daniel Echavarría Arango
3570 S. Mooring Way
Miami, Florida
USA 33133-6520

AND TO: SALVADOR VIDAL ECHAVARRÍA
c/o Paula Echavarría Arango
8320 SW 52nd Avenue
Miami, Florida
USA 33143-8441

AND TO: BAUTISTA VIDAL ECHAVARRÍA
c/o Paula Echavarría Arango
8320 SW 52nd Avenue
Miami, Florida
USA 33143-8441

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, George Town, Grand Cayman.

By this summons, which is issued on the application of Mary Elsa Sonia Echavarría Lince, the Plaintiff, in her capacity as a discretionary object of the above-mentioned Trust, seeks the following declarations, orders, directions and other relief:

- 1 A declaration as to whether or not the following documents dated 25 September 2004 were validly executed in accordance with Article 2.1 of the Deed of Trust for the Elsa Trust (the "**Validity Issue**"):
 - (a) The document purportedly between Norman Echavarría Olózaga and Rothschild Trust Guernsey Limited purportedly amending and re-stating the said Deed of Trust (the "**2004 Document**");
 - (b) The letter purportedly from Norman Echavarría Olózaga to Rothschild Trust Guernsey Limited purportedly withdrawing assets from the Elsa Trust (the "**2004 Letter**").
- 2 If the 2004 Document and the 2004 Letter were not validly executed in accordance with Article 2.1 of the Deed of Trust for the Elsa Trust, an account of:
 - (a) the property settled on the Trustee immediately prior to 25 September 2004; and

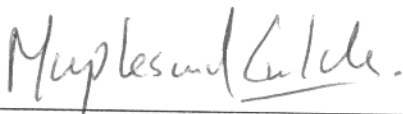
(b) the property, and/or income derived from such property, to which the Trust was entitled (but did not receive) had assets not been withdrawn from the Trust purportedly in accordance with the 2004 Letter,

and all necessary inquiries in respect thereof.

- 3 Pending the determination of the Validity Issue, directions to the Trustee as to the powers and duties on which it holds the property settled on it immediately prior to 25 September 2004.
- 4 To the extent necessary, leave to serve this Originating Summons out of the jurisdiction on any Defendant or Defendants.
- 5 Directions and orders as to whom should be served with, or notified of, these proceedings and how such service or notification may be effected, including any orders for substituted service.
- 6 Such further and other directions and relief as the Court shall think fit, including representation orders and/or orders appointing guardians *ad litem*.
- 7 Costs.

If any Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

DATED this 17th day of May 2011



Maples and Calder

NOTES: -

This Originating 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.

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 309GT, Ugland House, Grand Cayman, KY1-1104, Cayman Islands (Ref: CDM/JQC/648076/20615925).

**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.

[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.