

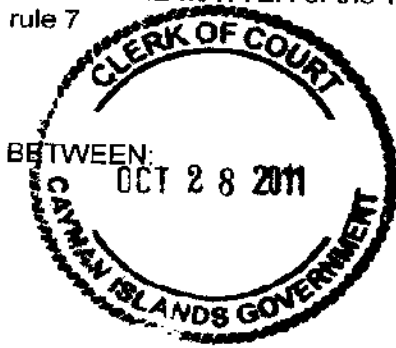
IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION



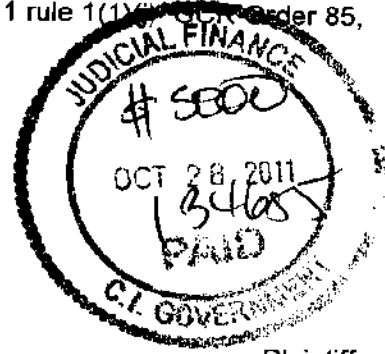
CAUSE NO: FSD 0176 of 2011

IN THE MATTER of a Deed of Trust dated 9 June 2005 made between HUGO HILDEMAN TORRIJOS RICHA as Settlor and MERRILL LYNCH BANK AND TRUST COMPANY (CAYMAN) LTD as Trustee and known as the Torrijos Trust

AND IN THE MATTER of the Trusts Law (2009 Revision), GCR Order 11 rule 1(1) GCR Order 85, rule 7



MERRILL LYNCH BANK AND TRUST  
COMPANY (CAYMAN) LTD



Plaintiff

AND

- (1) MAGALI DEL ROSARIO CEDENO DE TORRIJOS
- (2) HUGO ALFREDO TORRIJOS DAJER
- (3) ARLENE CRISTINA TORRIJOS DAJER
- (4) GABRIEL ALEJANDRO TORRIJOS CEDENO
- (5) MARIA LAURA TORRIJOS CEDENO

Defendants

\_\_\_\_\_  
ORIGINATING SUMMONS  
\_\_\_\_\_

LET THE DEFENDANTS attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the \_\_\_\_\_ day of \_\_\_\_\_ 2011 at \_\_\_\_\_ a.m./p.m. on the hearing of an application by Merrill Lynch Bank and Trust Company (Cayman) Ltd of 4th

Floor, Harbour Centre, North Church Street, George Town, Cayman Islands, KY1-1102 (the "Trustee") as trustee of the above-mentioned trust (the "Trust"), for the following relief:

- 1 Directions as to what steps, if any, the Trustee should take, or cause Santaver Limited (the "Company" being a company owned by Trustee as trustee of the Trust) to take, in respect of proceedings issued in the Supreme Court of Bermuda by Sun Life Assurance Company of Canada as Plaintiff against Santaver Limited and Merrill Lynch International Bank Ltd (Merchant Bank) as Defendants in Action No. 214 of 2011;
- 2 To the extent necessary, leave to serve this Originating Summons out of the jurisdiction pursuant to GCR Order 11;
- 3 All further and necessary orders and directions as this Honourable Court shall think fit, including, if necessary, directions as to service; and
- 4 That the costs of this application be raised and paid on an indemnity basis out of the income and/or capital of the Trust, 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 them counting the day of service, return the accompanying Acknowledgment of Service to the Court office.

DATED this 28th day of October 2011.



Maples and Calder

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: ADI/WPP/656539/21894630)

**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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD \_\_\_\_\_ of 2011

IN THE MATTER of a Deed of Trust dated 9 June 2005 made between HUGO HILDEMAN TORRIJOS RICHA as Settlor and MERRILL LYNCH BANK AND TRUST COMPANY (CAYMAN) LTD as Trustee and known as the Torrijos Trust

AND IN THE MATTER of the Trusts Law (2009 Revision), GCR Order 11 rule 1(1)(j) GCR Order 85, rule 7

BETWEEN:

MERRILL LYNCH BANK AND TRUST  
COMPANY (CAYMAN) LTD

Plaintiff

AND

- (1) MAGALI DEL ROSARIO CEDENO ORTEGA
- (2) HUGO ALFREDO TORRIJOS DAJER
- (3) ARLENE CRISTINA TORRIJOS DAJER
- (4) GABRIEL ALEJANDRO TORRIJOS CEDENO
- (5) MARIA LAURA TORRIJOS CEDENO

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.

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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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- 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.

**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.

Maples and Calder  
PO Box 309  
Ugland House  
George Town  
Cayman Islands  
KY1-1104  
Ref: CDM/WPP/666539/22041731

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

