

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

FSD CAUSE NO: <sup>FSD 01 79</sup> 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 amended and restated on 25 September 2004

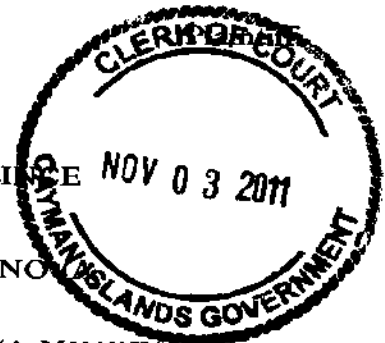
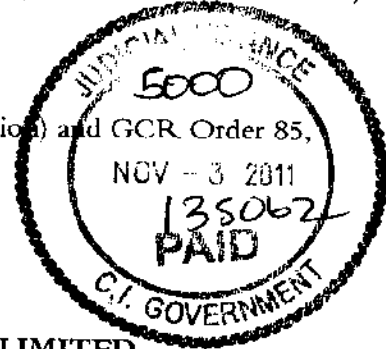
AND IN THE MATTER OF the Trusts Law (2009 Revision) and GCR Order 85, Rule 2

BETWEEN:

ROTHSCHILD TRUST GUERNSEY LIMITED

AND

1. MARY ELSA SONIA ECHAVARRÍA LINCE
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)
8. ANDREW LAW



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ORIGINATING SUMMONS

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LET THE DEFENDANTS, within 28 days (or, if leave is required to effect service out of the jurisdiction, within such other period as the court may order) after service of this

Originating Summons on them, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495, George Town, Grand Cayman, the Cayman Islands.

By this Originating Summons, which is issued on the application of the Plaintiff, Rothschild Trust Guernsey Limited, of St. Peter's House, Le Bordage, St. Peter's Port, Guernsey, Channel Islands, GY1 6AX, as Trustee of the Elsa Trust, against the Defendants (whose addresses are given below and who are interested or potentially interested in the Elsa Trust) the Plaintiff seeks the determination of the Court on the following questions and the following relief pursuant to GCR Order 85 rule 2(2)(a):


1. Directions as to what steps the Plaintiff should take, if any, to defend the legal proceedings brought by the First Defendant against the Plaintiff, in its capacity as Trustee of the Elsa Trust, in the Grand Court of the Cayman Islands in FSD Cause No. 93 of 2011 (the "Main Proceedings") seeking, among other things, a declaration as to whether certain documents including the amended and restated deed of trust dated 25 September 2004 were validly executed.
  2. If the Court directs that the Plaintiff shall seek to defend the Main Proceedings, specific directions as to whether or not the Plaintiff should also seek expert evidence from local counsel in Costa Rica and Florida to assist in the defence of the Main Proceedings.
  3. Pending the outcome of the Main Proceedings, directions to the Trustee of the Elsa Trust as to the powers and duties on which it holds the assets in the Elsa Trust and any other assets that may be affected by the outcome of the Main Proceedings, including directions as to how the Trustee is to deal with any dividends that it receives (or has received since the Main Proceedings were commenced) from Warbrook Ltd, Kemco Ltd and/or Leyfield Ltd.
  4. Pending the outcome of the Main Proceedings, directions to the Protectors of the Elsa Trust as to how they should approach the discharge of their duties pending the outcome of the Main Proceedings, including what directions if/any they
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should issue in relation to income and capital assets potentially affected by the outcome of the Main Proceedings.

5. Directions as to whether the Protectors of the Elsa Trust should seek the leave of the court seized of the Main Proceedings to be joined to those proceedings.
6. Directions on whether costs and expenses incurred by the Protectors in connection with the Main Proceedings should be indemnified out of the assets of the Elsa Trust.
7. If the Court directs that the Plaintiff shall seek to defend or otherwise participate in the Main Proceedings, an order that the Plaintiff be indemnified against all and any costs and expenses arising out of, and incidental to, the said action out of the assets of the Elsa Trust, including, for the avoidance of doubt, its own professional charges at their current published rate for the time its own employees spend in dealing with the conduct of the litigation.
8. All further and necessary orders and directions as this Court shall think fit, including, if necessary, directions as to any necessary representation orders and service and/or notification of these proceedings.
9. That provision be made for the costs of this application.
10. Further or other relief.

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

Dated the 3<sup>rd</sup> day of November 2011

  
APPLEBY (CAYMAN) LTD  
Attorneys-at-Law for the Plaintiff

**TO: MARY ELSA SONIA ECHAVARRÍA LINCE**  
Apartment 6A, 615 Ocean Drive  
Key Biscayne, Florida  
United States of America

**AND TO: DANIEL ECHAVARRÍA ARANGO**  
3570 S. Mooring Way  
Miami, Florida  
United States of America 33133-6520

**AND TO: PAULA ECHAVARRÍA ARANGO**  
8320 SW 52<sup>nd</sup> Avenue  
Miami, Florida  
United States of America 33143-8441

**AND TO: VALENTINA ECHAVARRÍA ARELLANO**  
c/o Daniel Echavarría Arango  
3570 S. Mooring Way  
Miami, Florida  
United States of America 33133-6520

**AND TO: CAMILA ECHAVARRÍA ARELLANO**  
c/o Daniel Echavarría Arango  
3570 S. Mooring Way  
Miami, Florida  
United States of America 33133-6520

**AND TO: SALVADOR VIDAL ECHAVARRÍA**  
c/o Paula Echavarría Arango  
8320 SW 52<sup>nd</sup> Avenue  
Miami, Florida  
United States of America 33143-8441

**AND TO: BAUTISTA VIDAL ECHAVARRÍA**  
c/o Paula Echavarría Arango  
8320 SW 52<sup>nd</sup> Avenue  
Miami, Florida  
United States of America 33143-8441

**AND TO: ANDREW LAW**  
International Protector Group Ltd  
Montague Sterling Centre  
East Bay Street  
PO Box N-3924  
Nassau  
Bahamas

**Time Estimate:** ½ day

NOTE – This Originating Summons may not be served later than 4 calendar months (or, if leave is required to serve 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 form.

THIS ORIGINATING SUMMONS WAS ISSUED by Appleby (Cayman) Ltd, Attorneys-at Law for the Plaintiff, whose address is Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. CDP/GS/309727.0004)

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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, PO Box 495 GT, George Town, Grand Cayman KY1-1104.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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**

**FSD CAUSE NO:                    OF 2011**

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

**AND IN THE MATTER OF** GCR Order 85, Rule 2

**BETWEEN:**

**ROTHSCHILD TRUST GUERNSEY LIMITED**

**Plaintiff**

**AND**

- 1. MARY ELSA SONIA ECHAVARRÍA LINCE**
- 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)**
- 8. ANDREW LAW**

**Defendants**

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**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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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

\_\_\_\_\_ Date: \_\_\_\_\_ 2011

Attorneys for Defendant

Address for service:

Notes on address for service

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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 or principal office.

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

Appleby (Cayman) Ltd  
Attorneys-at-Law  
Clifton House  
75 Fort Street  
PO Box 190  
Grand Cayman KY1-1104  
Ref: CDP/GS/309727.0004

*Endorsement 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 endorsement]