

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

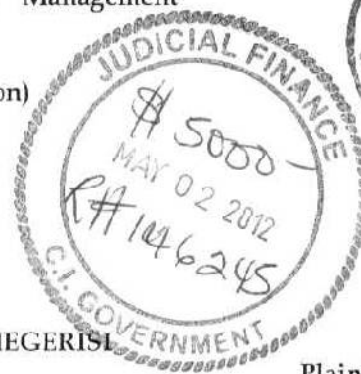


0079
CAUSE NO FSD: OF 2012

IN THE MATTER OF the Settlement dated 31 March 1994 between
Abubaker Mohammed Megerisi and Protec Trust Management
known as the Golden Trust

AND IN THE MATTER OF the Trusts Law (2011 Revision)

AND IN THE MATTER of GCR O.85, r.2



BETWEEN:

ABUBAKER MOHAMMED MEGERISI

Plaintiff

-and-

(1) PROTEC TRUST MANAGEMENT ESTABLISHMENT

(2) PAGET-BROWN TRUST COMPANY LTD

Defendants

ORIGINATING SUMMONS

To: the following Defendants,

- (1) PROTEC TRUST MANAGEMENT ESTABLISHMENT (an establishment existing under the laws of Liechtenstein) of Heiligkreuz 6, 9490 Vaduz, Principality of Liechtenstein and;
- (2) PAGET-BROWN TRUST COMPANY LTD, a company incorporated under the laws of the Cayman Islands whose registered office is at PO Box 111 George Town Grand Cayman KY1-1104 B.W.I

LET the Defendants within 28 days after service of this Summons on them, counting the day of service; return the accompanying Acknowledgement of Service to the Courts Office, PO Box 495, George Town, Grand Cayman, KY1-1106.

BY this Summons which is issued on behalf of the Plaintiff ABUBAKER MOHAMMED MEGERISI of 63 Winnington Road, Hampstead, London N2 0TS the Settlor of the above mentioned Golden Trust seeks the following relief and/or directions, namely:

1. An Order that The Golden Trust made on 31st March 1994 be rectified in the manner set out in the Schedule hereto (or in such other manner as the Plaintiff and the Defendants may agree and this Honourable Court may approve);
2. Such further or other relief as may be necessary and just.
3. That provision may be made for the costs of this application.

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 **2nd** day of **May** 2012

Mourant Ozannes

MOURANT OZANNES
Attorneys at Law for the Plaintiff

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 of the hearing of the Originating Summons, 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 Summons was issued by Mourant Ozannes, attorneys at law on behalf of the Plaintiff, whose address for service is c/o Mourant Ozannes, PO Box 1348, Harbour Centre, 42 North Church Street, Grand Cayman, KY1-1108, Reference: MM/LJD/2035896/55112028

THE SCHEDULE

Rectification of the Golden Trust as referred to in paragraph 1 of this Originating Summons by:

- (A)(1) Inserting in recital (A) therein between the words "specified in" and "the Schedule" the words "Part 1 of".
- (2) Inserting after recital (A) therein a new recital (B) as follows:
 "(B) The Settlor desires to transfer to the Original Trustee the assets specified in Part 2 of the Schedule hereto".
- (3) Re-designating the next following recital as (C).

(B) Inserting in clause 1(d)(i) of the said Settlement after the words "the said assets specified in" and before the words "the Schedule hereto" the words "Parts 1 and 2 of".

(C) Inserting after clause 1(i) and before clause 2 the following heading and clause:

"ASSIGNMENT

1A. The Settlor hereby assigns and transfers to the Original Trustee to be held by the Original Trustee absolutely upon and with and subject to all the trusts powers and provisions of this Settlement the assets specified in Part 2 of the Schedule hereto."

(D) Inserting in the said Schedule above the words "1,000 Swiss Francs" the words "Part 1", and below those words the following:

"Part 2

The sums of Seven Million Nine Hundred and Fifty Thousand Pounds Sterling (£7,950,000) and Five Million Four Hundred and Thirty Four Thousand Six Hundred and Seventeen United States Dollars (US\$5,434,617) owed at the date of this Settlement to the Settlor by Garden Holdings Limited (a company incorporated under the laws of the Cayman Islands) (such sums being one third of the aggregate sums owed at the said date by Garden Holdings Limited to the Settlor (1) Omar Megerisi (2) and Interfiducia Trust Reg (3) in equal shares."

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING OF SUMMONS

1. 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 28 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 Writ of 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 his 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. OF 20

BETWEEN:

ABUBAKER MOHAMMED
MEGERISI

PLAINTIFF

AND:

(1) PROTEC TRUST
MANAGEMENT
ESTABLISHMENT

1ST DEFENDANT

(2) PAGET-BROWN TRUST
COMPANY LTD

2ND DEFENDANT

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.

-
1. State the full name of the Defendant by whom or on whose behalf the service of the Writ 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:

Please complete overleaf

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 or 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.

Mourant Ozannes
Attorneys-at-Law
Second Floor, Harbour Centre
P.O. Box 1348
George Town
GRAND CAYMAN, KY1-1108 (ref:
MM/LJD/2035896)

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