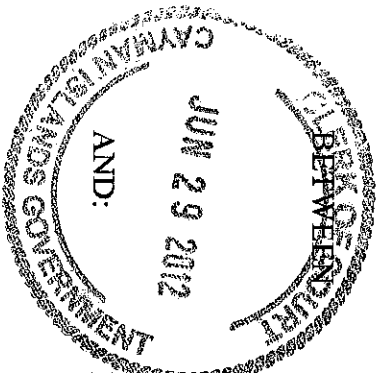


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO ³⁰⁴ OF 2012
(PROBATE CAUSE NO 14 OF 2012)



- (1) LEONCE-E ROY
- (2) MICHEL SYLVAIN
- (3) JANETTE SYLVAIN-RHEAUME
- (4) JACQUELINE SYLVAIN-FRENETTE
- (5) GHISLAINE SYLVAIN-DRAPEAU

PLAINTIFFS

AND:

PATRICE SYLVAIN

DEFENDANT



WRIT OF SUMMONS

TO: **Patrice Sylvain of 3816, Rue de L' Aeroport, Quebec G3J 1G4, Canada**

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

Within **14 days** after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 29th day of June, 2012.

NOTE – This Writ 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 date of issue unless renewed by order of the Court.

INDORSEMENT

1. That the Grant of Probate (Cause No 14 of 2012) of 12th April 2012 relating to the purported last Will of the late Mr Maurice Gaston Sylvan (“the deceased”) dated 24th June 2004 be set aside in its entirety.
2. That the Clerk of Court be directed to enter a Grant of Probate of the last Will and Testament of the deceased dated 30th March 2009 and that Mr Léonce-E Roy, avocat of 1074, rue Jean-Charles Cantin, Québec G1Y 2X1 be appointed as executor of the estate of the deceased in the Cayman Islands.

STATEMENT OF CLAIM

1. The deceased died in Québec, Canada on or about the 24th day of September 2011.
2. The deceased travelled to the Cayman Islands and he executed a Will dealing with his property in the Cayman Islands on 30th March, 2009. The 2nd to 5th Plaintiffs are named as beneficiaries under the Will dated 30th March 2009.
3. The Defendant is the son of the deceased and he applied for a Grant of Probate of the estate of the deceased pursuant to a Will dated 24th June 2004.
4. The Will dated 24th June 2004 had been superseded by the Will dated 30th March 2009 and the Defendant had no grounds to seek a Grant of Probate in the Cayman Islands with respect to the estate of the deceased in the Cayman Islands and the Grant of Probate granted on 15th March, 2012 should be set aside in its entirety.

5. The Will dated 30th March 2009 should be recognised as the last Will of the deceased and a Grant of Probate should be made in favour of the 1st Plaintiff over the estate of the deceased in the Cayman Islands.
6. The 1st Plaintiff has been nominated to act as executor and trustee of the estate of the deceased by Jacqueline Sylvain-Frenette and Ghislaine Sylvain-Drapeau who were appointed as the executors and trustees of the estate of the deceased pursuant to his Will dated 30th March 2009. The appropriate Renunciations of Appointment As Executor in favour of Mr Léonce-E Roy are dated 12th May 2012.

AND THE PLAINTIFFS claim:

1. An Order that the Grant of Probate (Cause No 14 of 2012) of 12th April 2012 relating to the purported last Will of the late Mr Maurice Gaston Sylvain (“the deceased”) dated 24th June 2004 be set aside in its entirety.
2. That the Clerk of Court be directed to enter a Grant of Probate of the last Will and Testament of the deceased dated 30th March 2009 and that Mr Léonce-E Roy, avocat of 1074, rue Jean-Charles Cantin, Québec G1Y 2X1 be appointed as executor of the estate of the deceased in the Cayman Islands.
3. Costs.

Turner & Roulstone

TURNER & ROULSTONE
Attorney-at-law for the Plaintiffs

THIS WRIT was issued by Turner & Roulstone, Attorneys-at-law for the Plaintiffs whose address for service is Strathvale House, 90 North Church Street, George Town, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO OF 2012

(PROBATE CAUSE NO 14 OF 2012)

BETWEEN:

(1) LEONCE-E ROY

(2) MICHEL SYLVAIN

(3) JANETTE SYLVAIN-RHEAUME

(4) JACQUELINE SYLVAIN-FRENETTE

(5) GHISLAINE SYLVAIN-DRAPEAU

PLAINTIFFS

AND:

PATRICE SYLVAIN

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form **IMMEDIATELY**.

Important. Read the accompanying Delay may result in judgment being entered directions and notes for guidance against a Defendant whereby he may have to carefully before completing this form. If pay the costs of applying to set it aside. 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 the proceedings (*tick appropriate box*)

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)

yes

no

Service of the Writ 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 plaintiffs' Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Turner & Roulstone
Strathvale House
90 North Church Street
PO Box 2636
George Town
Grand Cayman KY1-1102
Ref: AT/as/0788-0001

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ³⁰⁴ OF 2012
(PROBATE CAUSE NO 14 OF 2012)

BETWEEN:

(1) LEONCE-E ROY
(2) MICHEL SYLVAIN
(3) JANETTE SYLVAIN-RHEAUME
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(5) GHISLAINE SYLVAIN-DRAPEAU

PLAINTIFFS

AND:

PATRICE SYLVAIN

DEFPENDANT

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT 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, PO Box 495G, George Town, Grand Cayman
2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).
If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.
If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.
3. If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.
A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Questions 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

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. 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.
3. 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*)".
4. 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.
5. Where the Defendant is sued as and 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.
6. 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 not further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.