

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD CAUSE NO: 51 OF 2013

IN THE MATTER OF a Deed of Settlement between Myrna Wieler Velarde (the "Settlor", or "First Defendant") and HSBC International Trustee Limited dated 22 June 2009 (the "Trustee") known as the Famex Settlement

AND IN THE MATTER OF section 48 of the Trusts Law (2011 Revision) and GCI Order 85

BETWEEN:

HSBC INTERNATIONAL TRUSTEE LIMITED

AND

1. MYRNA WIELER VELARDE
2. GREGORIO NAVARRO QUIROGA



Defendants



ORIGINATING SUMMONS

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, HSBC International Trustee Limited, of Craigmuir Chambers, PO Box 71, Road Town, Tortola, British Virgin Islands, as Trustee of the Famex Settlement (the "Trust"), against

the Defendants (whose addresses are given below and who are the surviving beneficial objects of the Trust) the Plaintiff seeks the determination of the Court on the following questions and the following relief pursuant to GCR Order 85 rules 2 and 7:

1. Directions as to whether the Trustee should be given leave by the Court to transfer some or all of the assets in the Trust Fund:
 - (a) to the Settlor in light of the Settlor's purported revocation of the Trust, notwithstanding the claim asserted by the Second Defendant in proceedings in Florida (Case No. 12-33361CA42 filed in the Circuit Court of the 11th Judicial Circuit, Miami-Dade County) against the Settlor and others (the "US Proceedings"); or
 - (b) to an escrow account in the names of the Settlor and the Second Defendant subject to suitable access conditions in light of the US Proceedings; or
 - (c) into the Court pending the resolution of the US Proceedings.

If leave is not granted pursuant to paragraphs (a) to (c) above, directions on how the Trustee should seek to manage and administer the Trust Fund pending the resolution of the US Proceedings.


2. Whether the Trustee should be given leave to assert a lien over some or all of the assets in the Trust Fund in respect of unpaid fees, expenses and liabilities properly incurred to date by the Trustee and/or Famex Investments Limited, and to which the Trustee and/or Famex Investments Limited may be contingently exposed, as a result of the due administration of the Trust. Should leave to assert that lien be granted, then directions on the value amount of the Trust Fund over which the Trustee may assert such lien, and further directions on whether the Trustee should be given leave to transfer assets in respect of which its lien is asserted from Florida to the Cayman Islands.
3. All further and necessary orders and directions as this Court shall think fit, including, if necessary, directions as to service and/or notification of these

proceedings to any other persons, including but not limited to Myrna Jimena Navarro Wieler and Arturo Ivan Navarro Wieler.

4. That the Trustee's costs of this application be paid out of the Trust Fund on the indemnity basis.
5. 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 23rd day of April 2013


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

TO: MYRNA WIELER VELARDE
25 De Mayo 799 5to Piso B
Tucuman 4000
Argentina

AND TO: GREGORIO NAVARRO QUIROGA
Jockey Club de Tucuman
San Martin 451, Casa 5
San Miguel de Tucuman, 4000
Argentina

Time Estimate: To be determined.

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/309317.0011)

**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
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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.

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AND IN THE MATTER OF section 48 of the Trusts Law (2011 Revision) and GCR Order 85

BETWEEN:

HSBC INTERNATIONAL TRUSTEE LIMITED

Plaintiff

AND

- 1. MYRNA WIELER VELARDE**
- 2. GREGORIO NAVARRO QUIROGA**

Defendants

**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 Originating Summons 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

Date: _____ 2013

Attorneys for Defendant

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 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/309317.0011

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