

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

FSD NO 7 OF 2014-ASCJ

IN THE MATTER OF A SETTLEMENT KNOWN AS THE HEXAGON SETTLEMENT  
DATED 18 OCTOBER 2004 AND A SETTLEMENT KNOWN AS THE HOPE TRUST  
DATED 10 JULY 2009

BETWEEN

(1) John Philip William Farrer

(2) Maria Jane Margaret Farrer

Plaintiffs

and

(1) Hexagon Investments Limited

(2) New Zealand Trust Corporation Limited

(3) Beatrice Hope Farrer

(4) Katherine Isabella Caroline Farrer

(5) Tara Georgina Hazel Farrer

(6) Rosanna Maria Elizabeth Farrer

Defendants

**AMENDED ORIGINATING SUMMONS**

**TO:** Hexagon Investments Limited, c/o Intertrust Corporate Services (Cayman) Ltd, 190 Elgin Avenue, George Town, Grand Cayman KY1-9005.

**AND TO:** New Zealand Trust Corporation Limited, c/o Geoff Cone and Karen Marshall, Level 3, 280 Parnell Road, Auckland 1151, New Zealand.

**AND TO: Beatrice Hope Farrer, c/o Nelson & Company, PO Box 2075, 31 The Strand, 46 Canal Point Dr, Grand Cayman KY1-1105.**

**AND TO: Katherine Isabella Caroline Farrer, c/o Nelson & Company, PO Box 2075, 31 The Strand, 46 Canal Point Dr, Grand Cayman KY1-1105.**

**AND TO: Tara Georgina Hazel Farrer, c/o Nelson & Company, PO Box 2075, 31 The Strand, 46 Canal Point Dr, Grand Cayman KY1-1105.**

**AND TO: ~~Rosanna Maria Elizabeth Farrer Katherine Isabella Caroline Farrer~~, c/o Nelson & Company, PO Box 2075, 31 The Strand, 46 Canal Point Dr, Grand Cayman KY1-1105.**

**LET THE DEFENDANTS**, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Court office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

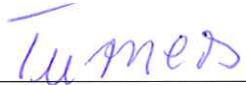
By this Summons, which is issued on the application of John Philip William Farrer and Maria Jane Margaret Farrer of The Old Forge, Holton, Wincanton, Somerset, BA9 8AY, the Plaintiffs claim against the Defendants for Orders as follows:-

1. A declaration as to whether as a result of a transfer in February 2005 (the '**February 2005 Transfer**'), an investment portfolio (such portfolio being the subject matter of a management agreement dated 1 December 2004 between the First Plaintiff and Rathbone Investment Management Limited; being held by nominees for the First Plaintiff; and being herein referred to as the '**Rathbone Portfolio**') became held by the First Defendant (i) beneficially; (ii) as trustee of a settlement created under the law of New Zealand on 18 or 20 October 2004 known as the Hexagon Settlement ("the Hexagon Settlement") or (iii) upon trust for the Plaintiffs;
2. A declaration as to whether as a result of a transfer in September 2005 (the '**September 2005 Transfer**'), an investment portfolio under the management of Merrill Lynch became held by the First Defendant (i) beneficially; (ii) as trustee of the Hexagon Settlement; or (iii) upon trust for the Plaintiffs;
3. A declaration as to the effect (if any) of a purported transfer in 2009 of the Rathbone Portfolio to the Second Defendant (the '**2009 Transfer**'); or
4. Further or alternatively to 1-3 above, an order requiring the Second Defendant, as trustee of a settlement dated 10 July 2009 and known as the '**Hope Trust**' to transfer any interest it may hold in the Rathbone Portfolio to the Plaintiffs; or
5. Further or alternatively to the above, an order setting aside the February 2005 Transfer and/or the September 2005 Transfer and/or the 2009 Transfer on the grounds of mistake; and

6. An Order pursuant to GCR O.15, r. 13 appointing the Third Defendant to represent all persons (other than the Plaintiff and the Third, Fourth, Fifth and Sixth Defendants) who are or may be or may become beneficiaries of the Hope Trust.
7. Further or other relief.
8. Costs.

If the Defendants do 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 6<sup>th</sup> day of February 2014.  
Amended 18<sup>th</sup> day of February 2014.

  
\_\_\_\_\_  
TURNERS  
Attorneys-at-Law for the Plaintiffs

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 that 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 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 Turners on behalf of the Plaintiffs, Attorneys-at-Law, PO Box 2636, Strathvale House, 90 North Church Street, George Town, Grand Cayman KY1-1102, Cayman Islands whose address for service is care of the said Attorneys-at-Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

FSD NO OF 2014

IN THE MATTER OF A SETTLEMENT KNOWN AS THE HEXAGON SETTLEMENT  
DATED 18 OCTOBER 2004 AND A SETTLEMENT KNOWN AS THE HOPE TRUST  
DATED 10 JULY 2009  
BETWEEN

(1) John Philip William Farrer  
(2) Maria Jane Margaret Farrer

Plaintiffs

and

(1) Hexagon Investments Limited  
(2) New Zealand Trust Corporation Limited  
(3) Beatrice Hope Farrer  
(4) Katherine Isabella Caroline Farrer  
(5) Tara Georgina Hazel Farrer  
(6) Rosanna Maria Elizabeth Farrer

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 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:

**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.*

Turners  
Attorneys-at-Law  
PO Box 2636  
Strathvale House  
90 North Church Street  
George Town  
Grand Cayman KY1-1102  
Ref: AD/CH/as/0824-0001

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

[Empty box for defendant's attorney indorsement]

**Acknowledgement of service of Originating Summons (O.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 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 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.
5. 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.
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 no 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.