

AMENDED ON 4 AUGUST 2014 PURSUANT TO THE ORDER OF THE HONOURABLE CHIEF JUSTICE DATED 31 JULY 2014

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 37 OF 2014

IN THE MATTER OF a trust known as the CH Trust  
made by Declaration of Trust by R&H Trust Co Ltd dated 6 March 1995

AND IN THE MATTER OF THE TRUSTS LAW (2011 REVISION)

AND IN THE MATTER OF GCR ORDER 85, RULE 2(2)(a)

BETWEEN:

CIBC BANK & TRUST COMPANY (CAYMAN) LIMITED

Plaintiff

AND:

(1) HSL

(A company resident and incorporated in the Cayman Islands)

(2) CHTL

(A company resident and incorporated in the British Virgin Islands)

(3) RH

(4) CSH

(5) JFH

(6) TH

(7) GH

(8) MH

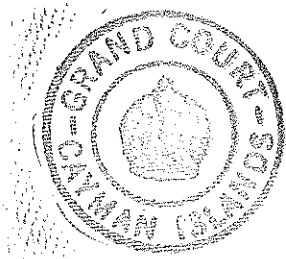
(9) US

(10) HRK

(11) BC

(12) KD

(13) PS



Defendants

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AMENDED ORIGINATING SUMMONS

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TO: HSL  
CIBC Financial Centre  
No. 11 Dr. Roy's Drive  
P.O. Box 694 G.T.  
George Town, Grand Cayman  
KY1-1102

CHTL  
Harney Westwood & Riegels  
4<sup>th</sup> Floor Harbour Place  
103 South Church Street  
P.O. Box 10240  
Grand Cayman KY1-1002  
Cayman Islands

RH  
The estate of Los Millares  
Villanueva de los Castillejos  
21540 Huelva Spain

CSH  
Appleby  
Clifton House 75 Fort Street  
P. O. Box 190  
Grand Cayman KY1-1104

JFH  
Harney Westwood & Riegels  
4<sup>th</sup> Floor Harbour Place  
103 South Church Street  
P.O. Box 10240  
Grand Cayman KY1-1002  
Cayman Islands

TH  
Harney Westwood & Riegels  
4<sup>th</sup> Floor Harbour Place  
103 South Church Street  
P.O. Box 10240  
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Cayman Islands

GH  
Harney Westwood & Riegels  
4<sup>th</sup> Floor Harbour Place  
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P.O. Box 10240  
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Cayman Islands

MH  
Harney Westwood & Riegels  
4<sup>th</sup> Floor Harbour Place  
103 South Church Street  
P.O. Box 10240  
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**Cayman Islands**

**US**

**Appleby**

**Clifton House 75 Fort Street**

**P. O. Box 190**

**Grand Cayman KY1-1104**

**HRK**

**Appleby**

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**BC**

**Harney Westwood & Riegels**

**4<sup>th</sup> Floor Harbour Place**

**103 South Church Street**

**P.O. Box 10240**

**Grand Cayman KY1-1002**

**Cayman Islands**

**KD**

**Harney Westwood & Riegels**

**4<sup>th</sup> Floor Harbour Place**

**103 South Church Street**

**P.O. Box 10240**

**Grand Cayman KY1-1002**

**Cayman Islands**

**PS**

**Weber Schaub & Partner**

**Mühlebachstrasse 2**

**Postfach 22**

**CH-8024 Zürich**

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 Registrar, Financial Services Division, Court Office, PO Box 495 GT, George Town, Grand Cayman KY1-1106, Cayman Islands.

BY THE AMENDED ORIGINATING SUMMONS, which is issued on the application of the trustee of the trusts of the Declaration of Trust made by the R&H Trust Co Ltd on 6 March 1995 known as the CH Trust, the Plaintiff seeks the following relief pursuant to section 48 of the Trusts Law (2011 Revision) and GCR O.85 r.2(2)(a):

1. A declaration as to the identity of the directors and secretary of HSL, including a declaration as to the validity of the appointment of HRK as a director of HSL on 25 September 2013.
2. A declaration as to the identity of the Protector of the CH Trust, including a declaration:
  - a. as to the validity of the resolutions voted upon at the meeting of HSL on 25 October 2013, specifically:
    - i. The resignation of HSL as protector of the CH Trust; and
    - ii. The appointment of CHTL as protector of the CH Trust in place of HSL.
  - b. as to whether the document exhibited to and more particularly described in the affidavit to be sworn in support of this application has had the effect of removing HSL as protector of the CH Trust and replacing it with CHTL.
3. A declaration as to the true ownership of certain items more particularly described in an affidavit to be sworn by the Plaintiff in support of this application.
4. Further or other relief.
5. That provision be made for the costs of this application.

AND 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.

Dated 31 March 2014

AMENDED 4 August 2014

Mourant Ozannes

**MOURANT OZANNES**

Attorneys for the Plaintiff

- NOTE: (1) This Originating Summons may be served not later than 4 calendar months (or if leave is required to effect notice 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 acknowledgement of service are given with the accompanying forms.

**THIS AMENDED ORIGINATING SUMMONS** was filed by Mourant Ozannes, on behalf of the Plaintiff, whose address for service is c/o 94 Solaris Avenue, Camana Bay, Grand Cayman KY1-1108, Cayman Islands (ref: MM/LJD/8009976/60376785.1).

Acknowledgement of service of originating summons (O.10, r. 5)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

OF AMENDED ORIGINATING OF 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 in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495, 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 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.

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Defendants

ACKNOWLEDGMENT OF SERVICE  
OF AMENDED ORIGINATING SUMMONS

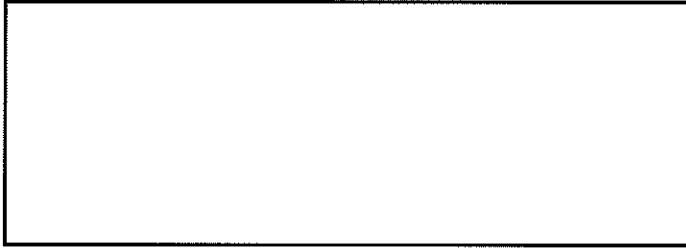
If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

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.



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

A large, empty rectangular box with a black border, intended for the indorsement by the defendant's attorney or the defendant.