

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

FSD CAUSE NO 156 OF 2013 - AJJ

IN CHAMBERS
25 NOVEMBER 2014
BEFORE THE HON. JUSTICE ANDREW J. JONES QC

IN THE MATTER of a Settlement made by Banque Paribas International Trustee Ltd as trustee dated 21 July 2001 and known as The Jade Trust

AND IN THE MATTER of a Settlement made by Banque Paribas International Trustee Ltd as trustee dated 23 August 2001 and known as The Forever Wealth Trust

AND IN THE MATTER of section 48 of the Trusts Law (2011 Revision) and/or GCR O. 85 and/or the inherent jurisdiction of the Court

BETWEEN

BNP PARIBAS (BVI) TRUST CORPORATION

PLAINTIFF

AND

(1) **YI-JU CHEN**

(2) **YI-WEN CHEN (a minor)**

(3) **YI-FANG CHEN (a minor)**

DEFENDANTS

ORDER



UPON the restored hearing of the Plaintiff's Amended Originating Summons dated 6 June 2014

AND UPON HEARING Counsel for the Plaintiff and Counsel for the Defendants

AND UPON READING the affidavits and exhibits listed in the First Schedule to this Order

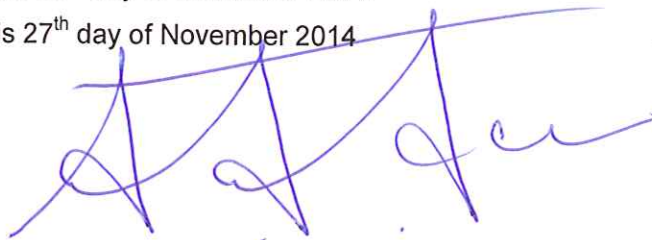
IT IS ORDERED AND DIRECTED that:-

1. The Plaintiff has leave to re-amend the Amended Originating Summons dated 6 June 2014, in the form of the Re-Amended Originating Summons attached as the Second Schedule hereto.

2. The retirement of the Plaintiff as trustee of The Jade Trust (dated 21 July 2001), The Forever Wealth Trust (dated 23 August 2001), The Joy Luck Trust (dated 23 August 2001) and The Well of Fortune Trust (dated 23 August 2001) (the "Trusts") and the appointment of Triton Executive Entity as its replacement trustee of the Trusts is approved.
3. The Plaintiff's costs of and occasioned by these proceedings shall be paid out of the assets of the Trusts, to be taxed on the indemnity basis if not agreed, and in default of payment in full out of the Trusts within 28 days of the date of such agreement or the issue of a Costs Certificate, any unpaid balance of the costs due shall be paid by the First Defendant forthwith.
4. In addition, the First Defendant shall pay to the Plaintiff the sum of US\$60,000.00 in respect of the Plaintiff's trust management fees for management of the Trusts, within 28 days of the date of this Order.

Dated this 25th day of November 2014

Filed this 27th day of November 2014



The Hon Justice Andrew J. Jones QC
JUDGE OF THE GRAND COURT



FIRST SCHEDULE

	Affidavit	Date
1.	First Affidavit of Brian Kenyon and Exhibit "BK-1"	29 April 2014
2.	First Affidavit of Bing Chen and Exhibits "BC-1" and "BC-2"	2 May 2014
3.	First Affidavit of William Jones and Exhibit "WRJ-1"	23 May 2014
4.	First Affidavit of Jessica Anne Grice Williams and Exhibit "JAGW-1"	8 July 2014
5.	First Affidavit of Denn Hu and Exhibit "DSH-1"	8 July 2014
6.	Affidavit of Laura Grace Cooper and Exhibit "LGC-1"	7 October 2014
7.	Second Affidavit of Denn Hu and Exhibit "DSH-2"	14 November 2014
8.	Third Affidavit of Denn Hu	21 November 2014
9.	Second Affidavit of William Jones and Exhibit "WRJ-2"	21 November 2014
10.	Fourth Affidavit of Denn Hu and Exhibit "DSH-3"	24 November 2014



A handwritten signature in blue ink, consisting of stylized, overlapping letters that appear to be "AA".

SECOND SCHEDULE



AMENDED PURSUANT TO THE ORDER OF JONES J DATED 16 MAY 2014
RE-AMENDED PURSUANT TO THE ORDER OF JONES J DATED 25 NOVEMBER 2014

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FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 156 OF 2013 (AJJ)

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AND IN THE MATTER of a Settlement made by Banque Paribas International Trustee Ltd as trustee dated 23 August 2001 and known as The Forever Wealth Trust

AND IN THE MATTER of a Settlement made by Banque Paribas International Trustee Ltd as trustee dated 23 August 2001 and known as The Joy Luck Trust

AND IN THE MATTER of a Settlement made by Banque Paribas International Trustee Ltd as trustee dated 23 August 2001 and known as The Well of Fortune Trust

AND IN THE MATTER of section 48 of the Trusts Law (2011 Revision) and/or GCR O. 85 and/or the inherent jurisdiction of the Court

BETWEEN

BNP PARIBAS (BVI) TRUST CORPORATION

PLAINTIFF

AND



- (1) YI-JU CHEN
- (2) YI-WEN CHEN (a minor)
- (3) YI-FANG CHEN (a minor)

DEFENDANTS

RE-AMENDED ORIGINATING SUMMONS

TO: Yi-Ju Chen of Xianglu Garden, Haicang, Xiamen, Fujian, China

AND TO: Yi-Wen Chen (a minor) c/o Harney Westwood & Riegels, 4th Floor, Harbour Place, 103 South Church Street, PO Box 10240 Grand Cayman KY1-1002, Cayman Islands

AND TO: Yi-Fang Chen (a minor) c/o Harney Westwood & Riegels, 4th Floor, Harbour Place, 103 South Church Street, PO Box 10240 Grand Cayman KY1-1002, Cayman Islands

A handwritten signature in blue ink, appearing to be "AA", is located in the bottom right corner of the page.

LET THE DEFENDANTS, within 28 days after service of this Summons on them her, counting the day of service, return the accompanying Acknowledgement of Services to the Courts Office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands

BY THIS SUMMONS, which is issued on the application of BNP Paribas (BVI) Trust Corporation (formerly known as Banque Paribas International Trustee Ltd) of Palm Grove House, P O Box 438, Road Town, Tortola, British Virgin Islands (the "**Trustee**"), pursuant to section 48 of the Trusts Law (2011 Revision) and/or GCR Order 85 and/or the inherent jurisdiction of the Court, the Trustee, as trustee of the abovementioned Deeds of Trust (the "**Trust Deeds**") constituting the Trusts known as The Jade Trust, and The Forever Wealth Trust, The Joy Luck Trust and The Well of Fortune Trust (the "**Trusts**"), seeks the following orders, directions and relief:

- 1.1 That such directions as this Court shall think fit may be given as to:
 - (a) whether any, and if so which, persons (in addition to the original defendant) should be joined as a party or parties to these proceedings or be served with notice of these proceedings; and
 - (b) what representation orders should be made, if any;



~~1.2 That the Court approves the Trustee's decision to exercise the power conferred by Clause 5(a) of the Trust Deeds to transfer the entire trust fund of the Trusts to the First Defendant, as a named beneficiary of the Trusts, by way of distribution That the Court approves the retirement of the Trustee as trustee of the Trusts and the appointment of Triton Executive Entity as its replacement trustee of the Trusts;~~

~~1.3 Alternatively that the Court approves the exercise by the Trustee of the power conferred by Clause 5(a) of the Trust Deeds to transfer the entire trust fund of the Trusts to the Defendants, and her two sisters who are also beneficiaries of the Trusts, in equal shares, by way of distribution;~~

~~1.4 Alternatively, that the Court gives directions for the administration of the Trusts;~~

1.3 ~~1.5~~ That the hearing of this Originating Summons be in private;

1.4 ~~4.6~~ That any ruling delivered in these proceedings be anonymised pursuant to Practice Direction 3 of 1997;

1.5 ~~4.7~~ That all necessary or proper consequential directions be given;

1.6 ~~4.8~~ That provision be made for the payment out of the trust assets held by the Trustee of the Trustee's costs of these proceedings on the indemnity basis, and of the Defendants and any additional representative defendant appointed or added as a party pursuant to paragraph 1.1 above.

If the Defendants does not acknowledge service, such judgment may be given or order made against them or in relation to them her as the Court may think just and expedient.

~~Dated the ___ day of December 2013~~

~~Re-dated the 6th day of June 2014~~

Re-dated the 25th day of November 2014



OGIER

Attorneys for the Plaintiff

NOTE - 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.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

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 in person. After completion it must be delivered or sent by post to the Law Courts, 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.
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 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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PLAINTIFF

DEFENDANTS

ACKNOWLEDGMENT OF SERVICE
OF RE-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.

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 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.

Ogier
89 Nexus Way
Camana Bay
Grand Cayman KY1-9007
Cayman Islands
Ref: 420059.00041/RAR/WRJ

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 indorsement]

