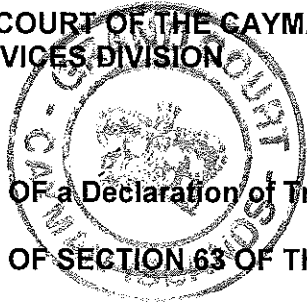


IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION



FSD CAUSE NO. 0082 of 2015 ()

IN THE MATTER OF a Declaration of Trust dated 23 October 1973 (the "Trust")

IN THE MATTER OF SECTION 63 OF THE TRUSTS LAW (2011 REVISION)

BETWEEN

SCOTIA BANK & TRUST (CAYMAN) LTD

-and-

- (1) CORA LOUISE SMITH BROSSARD
- (2) WARREN WILLIAM SMITH JR
- (3) TIMOTHY OTIS BROWNE
- (4) HENRY FEDERICO RODNER III
- (5) ANTHONY DUARTE
- (6) JAMES OTIS RODNER



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, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman.

By this Originating Summons, which is issued on the application of the Plaintiff, Scotia Bank & Trust (Cayman) Ltd, of 6 Cardinal Avenue, P.O.Box 501, Grand Cayman KY1-1106, Cayman Islands, against the Defendants (whose addresses are given below and who are interested or potentially interested in the Trust) the Plaintiff seeks orders and declarations as set out below.

1. An order under section 63 of the Trusts Law (2011) Revision conferring on the Plaintiff, as the Trustee of the Trust, power from time to time or times at its discretion to partition the capital of the fund subject to the trusts of the Trust (the Trust Fund), or such part or parts of it as the Trustee thinks fit, into separate sub-trusts to meet the interests of the respective beneficiaries or classes of beneficiaries interested in the Trust Fund and for that purpose to obtain such valuations and to make such appropriations of assets of the Trust Fund as the Trustee may think fit.

2. Further or other relief as the Court thinks fit; and

3. That the costs of this application be provided for.

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

Dated this 22nd day of May 2015



Walkers
190 Elgin Avenue
George Town
Grand Cayman
KY1-9001

TO (1) CORA LOUISE SMITH BROSSARD

118 East 93rd St.
New York, NY 10128

AND TO (2) WARREN WILLIAM SMITH, JR

Quinta Helena, No10
3a Avenida de Altamira, entre 7a y 8a trans.
Caracas 1060, Venezuela

AND TO (3) TIMOTHY OTIS BROWNE

1083 Vine Street #222
Healdsburg, California 95448

AND TO (4) HENRY FEDERICO RODNER III

Residencia Alcaravan
Apt. 6B
Santa Marta, 1061
Estado Miranda Caracas, Venezuela

AND TO (5) ANTHONY DUARTE

27385 Paseo Placentia
San Juan Capistrano
California 92675

AND TO (6) JAMES OTIS RODNER

Residencia Valser, Calle Soapure CBM
Baruta, Caracas 1060
Venezuela

NOTES:

1. This Originating 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 the above 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 Walkers, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, for the Plaintiff whose address for service is care of its said Attorneys at Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD CAUSE NO. _____ of 2015 ()

IN THE MATTER OF a Declaration of Trust dated 23 October 1973 (the "Trust")

IN THE MATTER OF SECTION 63 OF THE TRUSTS LAW (2011 REVISION)

BETWEEN

SCOTIA BANK & TRUST (CAYMAN) LTD

Plaintiff

-and-

- (1) CORA LOUISE SMITH BROSSARD
- (2) WARREN WILLIAM SMITH JR
- (3) TIMOTHY OTIS BROWNE
- (4) HENRY FEDERICO RODNER III
- (5) ANTHONY DUARTE
- (6) JAMES OTIS RODNER

Defendants

ACKNOWLEDGEMENT 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

Please complete overleaf

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.

Walkers
Attorneys at Law
190 Elgin Avenue
George Town
Grand Cayman KY1-9001

Ref: AM/SW/S4745-98098

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]

**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, PO Box 495GT, 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 28 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.