

IN THE
CIVIL DIVISION

OF THE CAYMAN ISLANDS

CAUSE NO. 0051 OF 2016

IN THE MATTER OF FREEWIND HOLDINGS LIMITED

BETWEEN:

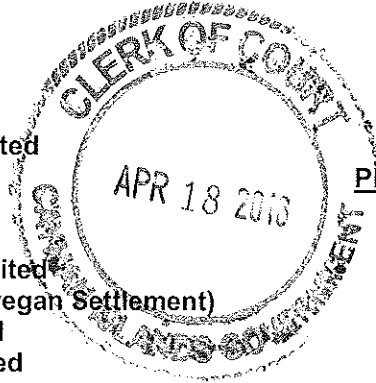
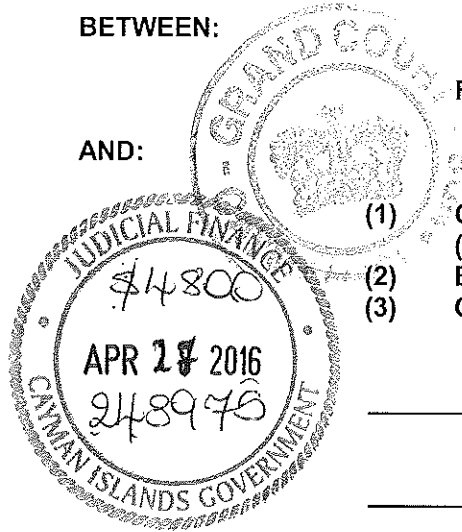
AND:

Freewind Holdings Limited

- (1) Capco Trust Jersey Limited
(as Trustee of The Dunvegan Settlement)
- (2) Barry Nominees Limited
- (3) Claude Nominees Limited

Plaintiff

Defendants



ORIGINATING SUMMONS

LET THE DEFENDANTS of PO Box 48, 2nd Floor, Sir Walter Raleigh House, 48-50 The Esplanade, St Helier, Jersey, Channel Islands, JE4 8NX, attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the ___ day of _____ 2016, at ___ o'clock on the hearing of an application by the Plaintiff of c/o Intertrust Trustees II (Cayman) Limited, 190 Elgin Avenue, Grand Cayman, Cayman Islands that:


- (1) It be declared that the payments made by the Plaintiff to the First Defendant in the calendar years 2008, 2009, 2010, 2011, 2012 and 2013 (the "Payments") took effect as partial repayments of a loan made to the Plaintiff by the First Defendant in the calendar year 2002 (the "Loan").
- (2) So far as may be necessary, the Plaintiff's payment, and / or purported ratification and / or accounting, of the Payments as dividends be declared void ab initio and be set aside.
- (3) So far as may be necessary, the Plaintiff's decision to pay, and / or ratify, and / or account for the Payments as dividends be declared void ab initio and be set aside.
- (4) So far as may be necessary, the First Defendant's acceptance of and / or the decisions

of the First Defendant to accept the Payments as dividends be declared void ab initio and be set aside.

- (5) Alternatively, the Plaintiff's ratification of the Payments as dividends be rectified so as to take effect as ratification of partial repayments of the Loan.
- (6) Such further or other relief be granted as the Court deems appropriate.

AND LET THE DEFENDANTS within 14 days after service of this Summons on them counting the day of service, return the accompanying Acknowledgement of Service to the Courts office.

Dated the 18th day of April 2016



Ogier
Attorneys for the Plaintiff

TIME ESTIMATE: The estimated length of the hearing of this Summons is one day.

NOTES:-

- (1) This Summons may not be served later 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with above 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO. ____ OF 2016

IN THE MATTER OF FREEWIND HOLDINGS LIMITED

BETWEEN:

Freewind Holdings Limited

Plaintiff

AND:

- (1) Capco Trust Jersey Limited
(as Trustee of The Dunvegan Settlement)
- (2) Barry Nominees Limited
- (3) Claude Nominees Limited

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

(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 KY1-9009
Cayman Islands
Ref: 425365.00002/RAR/WJO

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