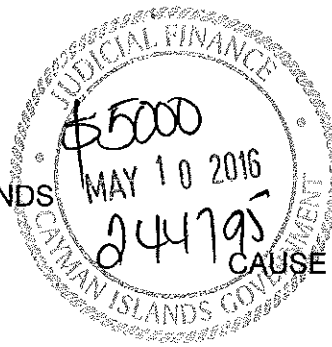


IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION



0057
CAUSE NO: FSD OF 2016

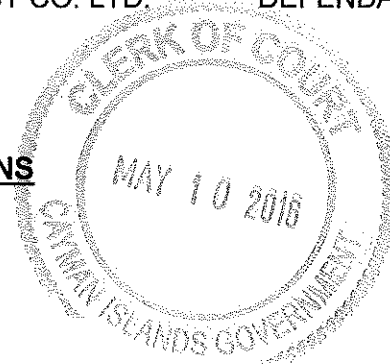
IN THE MATTER OF

BETWEEN: (1) MICHELE ALEXIA CANHAM (nee Poulton) PLAINTIFFS
(2) JAMES ALEXANDER POULTON
(3) NICHOLAS JAMES POULTON
(4) JAMES MICHAEL POULTON
(5) DAISY ELIZABETH HOUGHTON-POULTON

AND



(1) CAYMAN NATIONAL TRUST CO. LTD. DEFENDANTS
(2) JAMES ALAN POULTON
(3) DEBORAH POULTON



WRIT OF SUMMONS

TO:

(1) CAYMAN NATIONAL TRUST CO. LTD.

Suite 6201, 62 Forum Lane, Camana Bay, PO Box 30239, Grand Cayman KY1-1201,
Cayman Islands.

(2) JAMES ALAN POULTON

24605 Deer Trace Drive, Ponte Vedra Beach, Florida, 32082, United States of America.

(3) DEBORAH POULTON

24605 Deer Trace Drive, Ponte Vedra Beach, Florida, 32082, United States of America.

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiffs in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of May 2016.

Note – This Writ may not be served later than 4 months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

GENERAL INDORSEMENT

The Plaintiffs were until 24 February 2016 beneficiaries of the Poulton Family Trust (the "Trust"). In or about September or October 2013 the Second Defendant, in his capacity as settlor of the Trust, executed a Deed of Removal and Appointment of Protectors dated 23 September 2013 (the "First Amendment") and requested in writing that the Deed of Settlement dated 23 November 2003 (the "Settlement") be amended and altered as set out in the Deed of Revision and Amendment dated 24 October 2013 (the "Second Amendment"). In or about February 2016 the Second Defendant, in his capacity as settlor and protector of the Trust, executed a declaration removing the Plaintiffs as beneficiaries of the Trust (the "Declaration"). At the time he executed the Declaration and the First Amendment and requested the Second Amendment, the Second Defendant lacked the capacity to do so and/or he was under the undue influence of the Third Defendant. Alternatively, the Second Defendant has improperly exercised his power to remove the Plaintiffs as beneficiaries of the Trust in breach of his fiduciary duties as settlor and protector of the Trust

The Plaintiff's claim is for:

1. a declaration that the First Amendment, the Second Amendment and the Declaration are null and void or an order that they be set aside on the following grounds:
 - (a) the Second Defendant lacked capacity to execute the Declaration and/or the First Amendment and/or to request the Second Amendment; and/or
 - (b) the Second Defendant was under the undue influence of the Third Defendant when he executed the Declaration and/or the First Amendment and/or requested the Second Amendment
2. alternatively, a declaration that the Declaration is null and void or should be set aside on the ground that the Second Defendant has improperly exercised his power to remove the Plaintiffs as beneficiaries of the Trust in breach of fiduciary duties as settlor and protector of the Trust
3. such ancillary orders and directions as may be required to give effect to the relief sought

4. such further or other relief as the Court thinks fit

5. costs



WALKERS

Attorneys at Law for the Plaintiffs

This Writ is issued by Walkers, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, Cayman Islands, for the Plaintiffs whose address for service is care of their said Attorneys at Law.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF
WRIT OF SUMMONS**

1. 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 Courts Office, P.O. Box 495GT, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

Notes for Guidance

4. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
5. 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.
6. 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*)".
7. 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.
8. 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.
9. 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.
10. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
11. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE MATTER OF

BETWEEN: (1) MICHELE ALEXIA CANHAM (nee Poulton) PLAINTIFFS
(2) JAMES ALEXANDER POULTON
(3) NICHOLAS JAMES POULTON
(4) JAMES MICHAEL POULTON
(5) DAISY ELIZABETH HOUGHTON-POULTON

AND (1) CAYMAN NATIONAL TRUST CO. LTD. DEFENDANTS
(2) JAMES ALAN POULTON
(3) DEBORAH POULTON

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

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

Important. Read the accompanying Delay may result in judgment being entered
directions and notes for guidance carefully against a Defendant whereby he may have to
before completing this form. If any information pay the costs of applying to set it aside.
required is omitted or given wrongly, THIS
FORM MAY HAVE TO BE RETURNED.

12. State the full name of the Defendant by whom or on whose behalf the service of the Writ
is being acknowledged:

13. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes

no

14. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)

yes

no

Service of the Writ is acknowledged accordingly

[Attorney for] the Defendant

Address for service:

Please complete overleaf

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.

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

Ref: CW/SW/121325

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]