

In the Matter of Section 8 of the Succession Law (2006 Revision)

and



In the Matter of the Estate of Avernell Zenie Scott

PETITION



To the Grand Court

The humble petition of Maxine Thelma Wagner of P.O. Box 1740, Jasper, Texas 75951, USA shows that:-

1. The late Avernell Zenie Scott ("the Deceased") died on April 17, 2001 leaving a Will ("the Will") dated December 21, 1995.
2. By a Grant of Probate ("the Grant") dated September 4, 2001 this Honourable Court appointed Coley Austill Scott, Dervyn Murrans Scott and Paul Wayne Scott as executors of the Will.
3. Coley Austill Scott is now deceased. Dervyn Murrans Scott and Paul Wayne Scott are referred to herein as the "Executors".
4. The Petitioner is a beneficiary of the estate ("the Estate") administered by the Executors.
5. The Will left to the Petitioner a share (together with her siblings) of: the net sale proceeds of the house in which the Deceased had been living; the shares in Scott Development Co. Ltd. ("Scott Development") owned by the Deceased at the time of her death; and the real property owned by the Deceased at the time of her death.
6. In their affidavit filed in support of their application for the Grant the Executors estimated that the net value of the Estate was CI\$10,000,000 and included 37 parcels of land ("the Parcels") on Cayman Brac and Little Cayman and shares in Scott Development.
7. In their Application for the Grant each of the Executors gave to this Honourable Court his undertaking to administer the Estate and file an accounting in the Probate Registry within one year.
8. The Grant was made conditional upon the Executors rendering an accounting whenever required by law to do so.

9. The Executors are themselves beneficiaries under the Will.
10. The Executors have conveyed title to four of the Parcels to the Executor Paul Wayne Scott as beneficial owner.
11. The Executors have conveyed title to one of the Parcels to the Executor Dervyn Murran Scott as beneficial owner.
12. The Executors have conveyed title to one of the Parcels to themselves as beneficial owners and as co-proprietors.
13. The Executors have conveyed title to two of the Parcels to Scott Development as beneficial owner. The Executors are principals in that business.
14. The Executors have sold one Parcel, apparently at arms length..
15. The Executors have transferred two Parcels to Elida Scott, the ex-wife of the Executor Paul Wayne Scott.
16. The remaining Parcels are still part of the Estate.
17. The Petitioner has received no land and no shares in Scott Development from the Estate.
18. The Petitioner has received CI\$20,154.77 as a partial distribution of her share of the Estate.
19. The Executors have never filed an accounting of any sort in the Probate Registry.
20. By letter dated July 7, 2016 the attorneys for the Petitioner demanded an accounting from the Executors within 21 days. The Executors did not respond to the demand.

Your Petitioner therefore humbly prays for:-

1. An order requiring the Executors to file their accounting and deliver it to the Petitioner within 21 days;
2. alternatively, should the Executors prove unwilling or unable to account, an order requiring the Executors to deliver to the Petitioner within 21 days copies of all documents within their possession or under their control touching upon the Estate, its assets and its administration; and
3. costs of this Petition on the indemnity basis.

AND your Petitioner will ever pray etc.

Dated the 19<sup>th</sup> day of August, 2016.

Dinner Martin Attorneys  
Dinner Martin Attorneys

**NOTE:** This petition is intended to be served on:

Dervyn Murrin Scott  
P.O. Box 90  
Cayman Brac KY2-2001

Paul Wayne Scott  
P.O. Box 98  
Cayman Brac KY2-2001

This Petition was presented by Dinner Martin Attorneys, solicitors to the Petitioner, whose address for service is 3<sup>rd</sup> Floor, One Capital Place, P.O. Box 10190, Grand Cayman KY1-1002.