

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
[CIVIL DIVISION]**

G0166
CAUSE No. of 2016
L/A LACV 0188/2014

IN THE MATTER of the Estate of Andrew McField Powery (Deceased)

AND IN THE MATTER of Sections 63 and Section 64 of the *Trusts Law (2011 Revision)*

AND IN THE MATTER of GCR Order 85, rule 2

BETWEEN: EILEEN FERN SMITH (as a beneficiary of the Will of the Estate of Andrew McField Powery (Deceased))

AND:

(1) **BLONDE RACHEL ANN SCIAMONTE** (now **BLONDE RACHEL ANN UZZLE**) in her capacity as Executor of the Andrew McField Powery (Deceased)

(2) **CLINTON CREDOC POWERY** in his capacity as Executor of the Andrew McField Powery (Deceased)

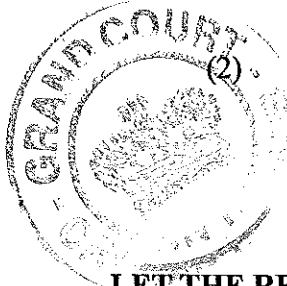
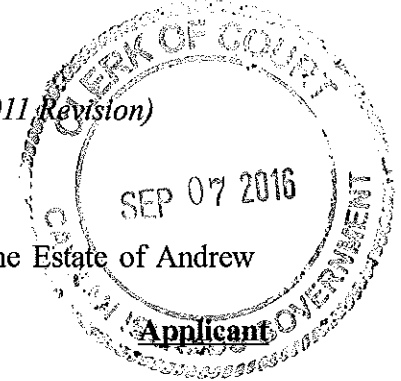
Respondents

ORIGINATING SUMMONS

LET THE RESPONDENTS 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, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of Eileen Fern Smith of 120 Fountain Road, West Bay, the Plaintiff brings this Application pursuant to Sections 63 and 64 of the Trusts Law 2011 Revision and GCR Order 85 Rule 2 for the following order:

1. The Respondents shall prepare an interim list of expenses for the Estate within six (6) weeks of the grant of an order of this Court and shall:
 - a. prepare and file an Affidavit exhibiting a copy of the same in the Probate Registry; and,
 - b. file and serve a copy of the Affidavit (exhibiting the list of expenses for the Estate) on the Applicant.
2. The Respondents shall prepare and file a list of all surviving beneficiaries named in the Last Will and Testament of Andrew McField Powery, as well as, a list of any duly appointed Personal Representatives and/or Trustees and/or Administrators of the estate/s of the named beneficiaries in the Last Will and Testament of Andrew McField Powery who are now deceased within four (4) weeks of the grant of an order.
3. The Respondents shall provide the Court with all proposed plans for the distribution of assets of the estate, which are not the subject of Cause 333 of 2008, along with appropriate exhibits outlining the proposed plan for the distribution of such portions including any

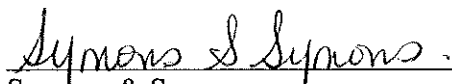


drawings or other documents, which is to be filed with the Court within eight (8) weeks of the grant of an order.

4. The Respondents shall serve all named beneficiaries and/or Trustees and/or Personal Representatives and/or Administrators as identified in any list, under paragraph 2 of this order, with copies of any order granted by the Court and the proposed plan/s for distribution as outlined in paragraph 3 within four (4) weeks of the date of the grant of an order.
5. The Respondents shall within six (6) weeks of a grant of an order agree a position in relation to Cause 333 of 2008 and shall notify the beneficiaries and/or Trustees and/or Personal Representatives and/or Administrators of the same.
6. That an interim distribution by way of partition of West Bay North East Block 8A Parcel 39 and/or West Bay North West Block 4B Parcel 349 REM2 be made to the surviving beneficiaries and/or Trustees and/or Personal Representatives and/or Administrators of the estates of deceased beneficiaries.
7. Liberty to apply on 10 days notice upon serving a copy of the draft summons together with a draft listing form.
8. The Respondents pay the Applicant's costs (and any costs of Legal Aid as an assisted person) of and occasioned by this Application and any subsequent legal action on an indemnity basis.
9. Such further order/s or other relief as the Court deems fit.

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

Dated the 7th day of September 2016.



Symons & Symons
Attorneys for the Applicant

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.

THIS ORIGINATING SUMMONS was issued by Symons & Symons Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of her said attorneys at, 4 Tropic Centre, 18 Earth Close, PO Box 30783 SMB, Grand Cayman KY1-1204 [ref: -4888-0001].

**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, P.O. Box 495G, 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 2015
L/A LACV 0188/2014**

IN THE MATTER of the Estate of Andrew McField Powery (Deceased)

AND IN THE MATTER of Section 63 and Section 64 of the *Trusts Law (2011 Revision)*

AND IN THE MATTER of GCR Order 85, Rule 2

BETWEEN: EILEEN FERN SMITH (as a beneficiary of the Will of Estate of Andrew McField Powery (Deceased)

Applicant

AND:

(1) **BLONDE RACHEL ANN SCIAMONTE** (now **BLONDE RACHEL ANN UZZLE**) in her capacity as Executor of the Andrew McField Powery (Deceased)

(2) **CLINTON CREDOC POWERY** in his capacity as Executor of the Andrew McField Powery (Deceased)

Respondents

**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

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.

Please complete overleaf

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

Symons & Symons
Attorneys-at-Law
4 Tropic Centre
18 Earth Close
PO Box 30783 SMB
Grand Cayman KY1-1204
Cayman Islands, British West Indies

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]