

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD *142* of 2019 ()

IN THE MATTER OF A DEED OF SETTLEMENT DATED 27 APRIL 2009 CONSTITUTING THE XYZ TRUST (THE "TRUST")

AND IN THE MATTER OF SECTION 48 OF THE TRUSTS LAW (2018 REVISION) AND GCR ORDER 85, RULE 2

BETWEEN:

T CO

-and-

- (1) AB (A MINOR)
- (2) CD (A MINOR)
- (3) EF (A MINOR)
- (4) GH



Plaintiff



Defendants

ORIGINATING SUMMONS

LET THE DEFENDANTS, whose addresses are given below and who are interested or potentially interested in the Trust, attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the _____ day of _____ 2019, at _____ o'clock on the hearing of an application by the Plaintiff, in its capacity as trustee of the Trust, of [Address] for orders and relief pursuant to section 48 of the Trusts Law (2018 Revision) and Grand Court Rules Order 85, rule 2(2)(a) as set out below:

1. Directions as to what steps the Plaintiff should take, if any, in proceedings ongoing in the Court of Probate for the District of Greenwich, in the State of Connecticut, United States (the "**US Proceedings**");
2. If the Court directs that the Plaintiff shall seek to defend or otherwise participate in the US Proceedings, an order that the Plaintiff be indemnified against any and all costs and expenses arising out of, and incidental to, the said US Proceedings out of the Trust assets,

including for the avoidance of doubt, its own professional charges and for the time spent by its own employees in dealing with the conduct of the said US Proceedings;

3. An order sanctioning the steps taken to date by the Plaintiff in the US Proceedings;
4. An order that the Plaintiff be indemnified against any and all costs and expenses arising out of, and incidental to the steps taken by the Plaintiff to date in the said US Proceedings out of the Trust assets, including for the avoidance of doubt, its own professional charges and for the time spent by its own employees in dealing with the conduct of the said US Proceedings;
5. All further and necessary orders and directions as this Court shall think fit, including, if necessary, directions as to any necessary representation orders and service and/or notification of these proceedings;
6. That provision be made for the costs of this application; and
7. Further or other relief.

Dated this 25th day of July 2019



Walkers
190 Elgin Avenue
George Town
Grand Cayman
KY1-9001

TO: AB (A MINOR)
[Address]

AND TO: CD (A MINOR)

[Address]

AND TO: EF (A MINOR)

[Address]

AND TO: GH

[Address]

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.
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 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.

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T CO

Plaintiff

-and-

- (1) AB (A MINOR)
- (2) CD (A MINOR)
- (3) EF (A MINOR)
- (4) GH

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 service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest 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 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
190 Elgin Avenue
George Town
Grand Cayman KY1-9001
Cayman Islands

F.A.O. Shelley White

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

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 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.