

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 179/2019

IN THE MATTER of the Deed of Settlement of J & I.F. (Settlors) and the Bank of Butterfield International (Cayman) Ltd. (the Trustee) dated 19 June 1996

AND IN THE MATTER of Section 48 of the Trusts Law (2018 Revision)

AND IN THE MATTER of GCR Order 85, rule 7

BETWEEN: **KAREN MARIE FELDERHOF** in her capacity as a Trustee of the Deed of Settlement of J & I.F. (Settlors)

**STEPHEN SYMONS** in his capacity of Trustee of the Deed of Settlement of J & I.F. (Settlors)



Applicants



AND: **BUTTERFIELD BANK (CAYMAN) LIMITED** (formerly **BANK OF BUTTERFIELD INTERNATIONAL (CAYMAN) LTD.**) in its capacity as the Outgoing Trustee of the Deed of Settlement of J & I.F. (Settlors)

Respondent



ORIGINATING SUMMONS

LET THE RESPONDENT of 68 Fort Street, Grand Cayman, Cayman Islands BWI 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 Karen Marie Felderhof of 53 Parkway Drive, George Town, Grand Cayman, Cayman Islands BWI and Stephen Symons of 40 Jennifer Drive Snug Harbour, George Town, Grand Cayman, Cayman Islands that:

1. The Order of the Honourable Chief Justice Harre dated 19 December 1997 be vacated;
2. The Outgoing Trustee do all acts necessary to vest the property and assets of the Trust in the New Trustees;
3. That the shares and all controlling interests in Nerak, a company incorporated to manage the affairs of the trust, be transferred to the New Trustees;
4. That the Trust pay the costs of the Outgoing Trustees that have been properly and reasonably incurred in relation to the vesting of the Trust property and/or assets in the New Trustees;
5. That the Outgoing Trustees provide all costs and estimates of costs necessary for the proper vesting of the trust property and or assets in the New Trustees;

6. Such other orders as this honourable Court deems fit.

AND LET THE DEFENDANT within 14 days after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 23<sup>rd</sup> day of October 2019

A handwritten signature in blue ink, appearing to read "Symons & Symons", is written over a horizontal line.

Symons & Symons Attorneys

Attorneys for the Applicant

**NOTES:-**

(1) 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 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.

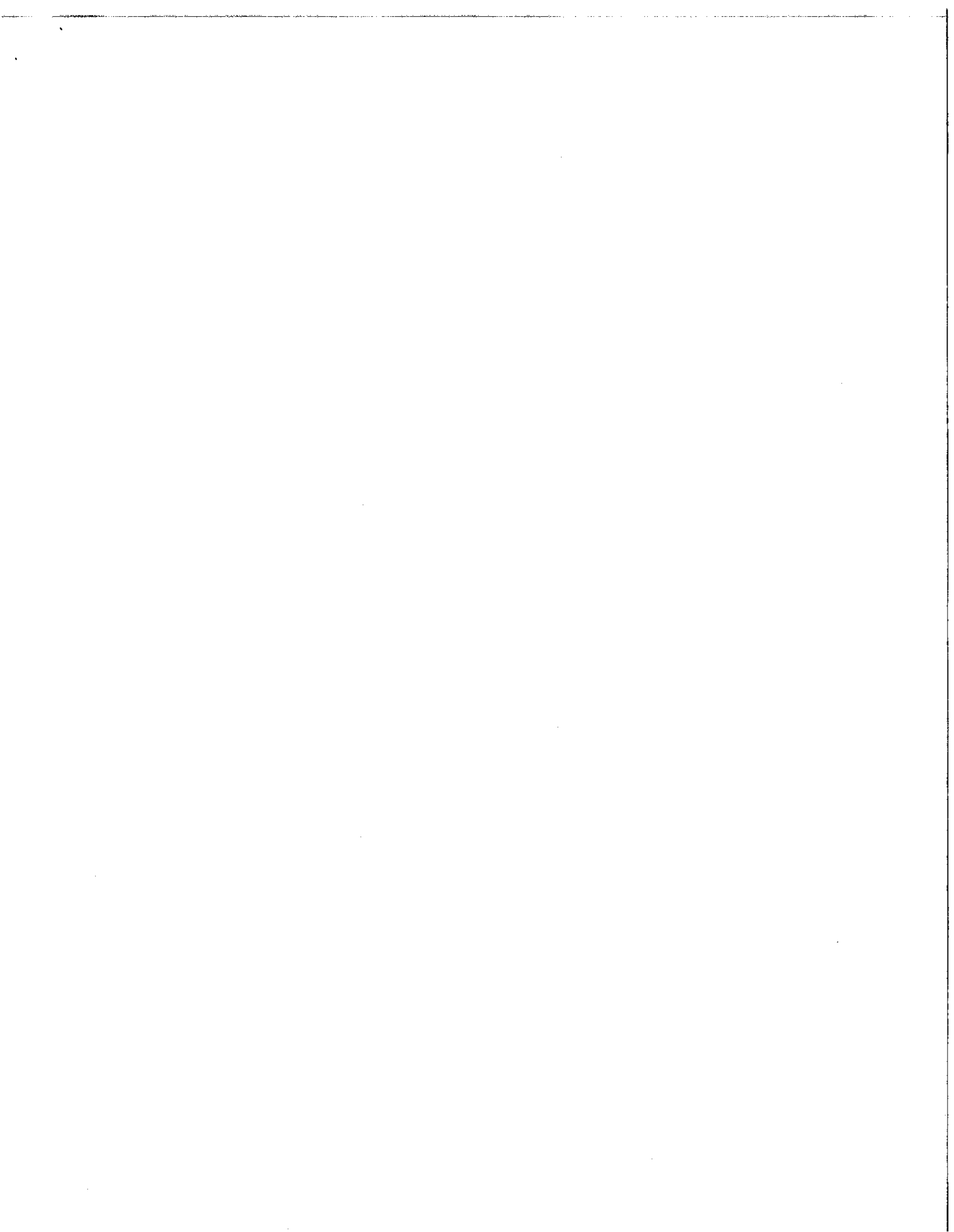
THIS ORIGINATING SUMMONS was issued by Symons & Symons Attorneys-at-Law for and on behalf of the Applicants whose address for service is that of the said attorneys, 4 Tropic Centre, 18 Earth Close SMB, PO Box 30783 KY1-1204

## 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.





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 applicants' Attorney (or by applicant 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 respondent's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

