

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 119 OF 2020 ( )

IN THE MATTER OF A SETTLEMENT KNOWN  
AS THE PARAKEET BAY TRUST dated 14 December 2018 (the "Trust")

AND IN THE MATTER OF SECTIONS 48 AND 72 OF THE TRUSTS LAW (2020 REVISION)  
AND GCR ORDER 85, Rule 2

BUTTERFIELD TRUST (CAYMAN) LIMITED

-AND-

- (1) NICOLE FRANCES CONNOLLY
- (2) LARA CONNOLLY  
(A minor by her guardian ad litem, Lawrence Apthorp)
- (3) CHLOE CONNOLLY  
(A minor by her guardian ad litem, Lawrence Apthorp)
- (4) BARBARA O'DONNELL

Defendants



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ORIGINATING SUMMONS

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TO: (1) HSM CHAMBERS, of PO Box 31726, 68 Fort Street, Grand Cayman KY1-1207, Cayman Islands, attorneys-at-law for the First Defendant

(2) APPLEBY CAYMAN LTD, of PO Box 190, 71 Fort Street, George Town, Grand Cayman KY1-1104, Cayman Islands, attorneys-at-law for the guardian ad litem to the Second and Third Defendants

(3) MCGRATH TONNER, of 5<sup>th</sup> Floor, Genesis Building, Genesis Close, PO Box 446, George Town, Grand Cayman KY1-1106, Cayman Islands, attorneys-at-law for the Fourth Defendant

**LET THE DEFENDANTS**, within 14 days (if service is effected in the Cayman Islands), or 21 days (if service is effected elsewhere) after service of this Originating Summons on it, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

By this Originating Summons, which is issued on the application of Butterfield Trust (Cayman) Limited, 68 Fort Street, PO Box 705, Grand Cayman, KY1-1107, Cayman Islands, as trustee of the Trust (the "Trustee"), the Trustee seeks the following directions, orders and relief pursuant to the Trusts Law (2020 Revision) and GCR Order 85, rule 2, namely for:

- (a) The Court's approval on behalf of the minor, and unborn Beneficiaries of the Trust of a variation of the terms of the Trust Deed to permit the removal of the words '*and indirect*' wherever they appear in clause 15 of the Trust Deed, including at clauses 15.1 and 15.2, and removal of the words '*and indirectly*' at clause 15.3;
- (b) The Court's blessing of the Trustee's decision to appoint the entire Trust Fund in the manner described in the First Affidavit of Stuart Bray dated 8 June 2020 in these proceedings;
- (b) Provision be made for the payment of the parties' costs of and arising from this application from the assets of the Trust; and
- (c) Such further or other orders or directions as the Court considers appropriate.

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

DATED this 8th day of June 2020

*Maples and Calder*

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**Maples and Calder**  
Attorneys-at-Law for the Plaintiff

NOTE - 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 that date unless renewed by order of the Court.

**IMPORTANT**

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

**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 495GT, 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.

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BUTTERFIELD TRUST (CAYMAN) LIMITED

Plaintiff

-AND-

(1) NICOLE FRANCES CONNOLLY

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(A minor by her guardian ad litem, Lawrence Aphorp)

(3) CHLOE CONNOLLY

(A minor by her guardian ad litem, Lawrence Aphorp)

(4) BARBARA O'DONNELL

Defendants

ACKNOWLEDGMENT 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.
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2. State whether the Defendant intends to contest or otherwise participate in the proceedings  
(tick appropriate box)

yes                       no

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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.

**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.

Maples and Calder  
PO Box 309  
Ugland House  
George Town  
Cayman Islands  
KY1-1104  
(Ref: MOR/MJB/767174.02)

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

