



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

CAUSE NO. FSD 283 OF 2020 (MRHJ)

IN THE MATTER of a settlement dated 30 July 2010 (the "A Trust") (as amended by a deed of amendment dated 17 November 2011) and a settlement dated 30 July 2010 (the "B Trust") (together the "Trusts")

AND IN THE MATTER OF SECTIONS 104 AND 48 OF THE TRUSTS LAW (2020 REVISION)

AND IN THE MATTER OF GCR ORDER 85, RULES 2 AND 9

BETWEEN: AA

Plaintiff

**-AND- (1) BB
(2) CC**

Defendants

ORIGINATING SUMMONS

TO: BB (by his Attorneys) & CC (by her Attorneys)

LET THE DEFENDANT within 14 days after service of this Originating Summons, counting the day of service, return the accompanying Acknowledgement of Service to the Registrar, Financial Services Division, PO Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands.

By this Originating Summons, which is issued on the application of AA, in its capacity as the corporate Trustee of the A Trust and the sole Trustee of the B Trust, the Plaintiff seeks the following determinations, orders and relief pursuant to the Trusts Law (2020 Revision) and GCR Order 85, rules 2 and 9, namely:

1. Orders under section 104 of the Trusts Law (2020 Revision):

- 1.1 reforming the Trusts of the A Trust to the extent and in the terms proposed in paragraphs 88 and 90 of the first affidavit of NJR sworn on 17 November 2020 in support of this application; and
- 1.2 reforming the trusts of the B Trust to the extent and in the terms proposed in paragraphs 89 and 90 of the said affidavit.
2. A Declaration or Direction pursuant to section 48 of the Trusts Law (2020 Revision) and further or alternatively the Court's inherent jurisdiction that the proposed change of the governing law of the said Trusts under (1) as respects the A Trust, Article XV B thereof, and (2) as respects the B Trust, Article XII thereof, from the law of the Cayman Islands to the law of Jersey will be valid.
3. Subject to the grant of the relief sought under paragraph 2, a Declaration or Direction pursuant to section 48 of the Trusts Law (2020 Revision) and further or alternatively the Court's inherent jurisdiction that the Plaintiff's proposed exercise of the power of amendment contained in Article XIV B of the A Trust to amend certain provisions of the Trust to the extent and in the terms proposed in paragraphs 98 and 100 of the said affidavit will be valid.
4. That the Clerk of the Court be directed (1) not to place on the Register of Writs and other Originating Process a copy of this Originating Summons and (2) to place on the Register of Writs and other Originating Process a copy of the anonymized form of this Originating Summons.
5. That the names of the parties to this Originating Summons not be entered on the Register of Writs.
6. That all information relating to the Originating Summons, including but not limited to the said Originating Summons, affidavits, exhibits, submissions, and/or any other document filed at Court, be kept confidential and placed into sealed envelopes not to be opened without leave of the Court (and any such application to be made on not less than 14 days' written notice to the parties).
7. That the hearing of the said Originating Summons be heard in private.
8. That any ruling delivered in the intended proceedings be anonymised pursuant to Practice Direction 3 of 1997.
9. That all references to the Trusts in question and the names of all of the individual parties be anonymised and substituted with initials, such as "AA, BB".
10. Such further or other directions or orders, if any, as the Court may think fit.
11. Provision be made for the parties' costs of and occasioned by this application to be raised and paid from the assets of the Trusts, to be taxed on the indemnity basis if not agreed.

If the Defendants do 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 this 18th day of November 2020


APPLEBY (CAYMAN) LTD.

Attorneys-at-Law for the Plaintiff

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 the above date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons was issued by Appleby (Cayman) Ltd., Attorneys-at-Law for the Plaintiffs, whose address for service is 71 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. 445986.0001/CDP/EB).