



AND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2022

ARTICLE 10 OF SECTION 10 OF THE TRUSTS ACT (2021 REVISION)

FANNY RODWELL
(THROUGH HER GUARDIAN NICK RODWELL)

PLAINTIFF

-and-

BERNARD LACHENAL

FIRST DEFENDANT

CLAUDE BRECHBÜHL

SECOND DEFENDANT

ORIGINATING SUMMONS

TO: BERNARD LACHENAL and CLAUDE BRECHBÜHL of Meyerlustenberger Lachenal (Genève), 65 rue Rhône, Case Postale 3199, CH- 1211 Geneva 3

LET THE DEFENDANTS, within 28 days after service on this Summons on each of 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 Fanny Rodwell (through her Guardian Nick Rodwell) of Chalet Rosenthal Crêt des Nex 25, 1885 Chesières, Switzerland, PO Box 30069, Grand Cayman, Cayman Islands, the Plaintiff against the Defendants seeking the following relief:

1. A declaration that the Defendants have each breached the terms of Clause 10 and paragraph 11(2) of Schedule 1 of the trust made by virtue of a discretionary settlement by Fanny Rodwell, as settlor, and dated 19 March 1992 (the "**Trust**") in that both have passed the age of 65 and have been requested to retire by persons interested in the property which is the subject of the trust, and both have failed to retire.
2. An Order directing that both Defendants be removed as trustees of the Trust with immediate effect.

3. An order that the Defendants pay the Plaintiff's costs.
4. Such further or other relief and directions as the court may think just.

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

Dated the 22nd day of February 2022

Nelsons

NELSONS

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.

IMPORTANT

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

THIS ORIGINATING SUMMONS was issued by Nelsons Attorneys at Law Ltd. for the Plaintiff herein whose address is P.O. Box 30069, 31 The Strand, 46 Canal Point Drive, George Town, Grand Cayman, KY1-1201.

**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

CAUSE NO: OF 2022

IN THE MATTER OF SECTION 10 OF THE TRUSTS ACT (2021 REVISION)

BETWEEN:

FANNY RODWELL
(THROUGH HER GUARDIAN NICK RODWELL)

PLAINTIFF

-and-

BERNARD LACHENAL

FIRST DEFENDANT

CLAUDE BRECHBÜHL

SECOND DEFENDANT

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.

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.

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

Nelsons
31 The Strand
PO Box 30069
Grand Cayman KY1-1201
Cayman Islands

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