

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 325 OF 1998

BETWEEN: (1) JOHN P. HALL II
(2) HEATHER HALL FRIEL

Applicants

AND: (1) MELISA HALL-AQUITANIA
(2) KIMBERLY LAINE HALL
(3) KRISTOPHER JOHN HALL
(4) TOREN JOHN HALL (A minor, by his guardian ad litem SHERRILL HALL)
(5) KYRIE HALL (A minor, by her guardian ad litem SHERRILL HALL, on her own behalf and on behalf of all minor and remoter beneficiaries of the Settlement known as the Hall Children C.I. Trust)

Respondents



ORIGINATING SUMMONS

TO (1) Melisa Hall-Aquitania of 1209 Charter Oak Parkway, St. Louis, MO 63146, U.S.A., and
(2) Kimberly Laine Hall of 7355 Eden Brook Drive, Columbia, MD 21046, U.S.A., and
(3) Kristopher John Hall of 2424 Bibury Lane, Apt 303, Baltimore, MD 21244, U.S.A., and
(4) Toren John Hall of P.O. Box 390, New Kingstown, PA 17072, U.S.A., and
(5) Kyrie Hall of P.O. Box 390, New Kingstown, PA 17072, U.S.A.,
who all claim to be beneficially interested under the trusts of the Settlement dated 16th January 1979 and made between David Graham Bird and the Bank of Nova Scotia Trust Company (Cayman) Limited as amended by a Deed of Amendment dated 24th September 1984 and made between John Phillip Hall and Sherill Keady Hall (hereinafter "the Trust")

LET THE RESPONDENTS, within 21 days after service of this Summons upon them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman.

BY this Summons, which is issued on the application of the Applicants, John P. Hall II, of 11 Diaz Court, Franklin Park, NJ 08823, U.S.A., and Heather Hall Friel of 12 Highland Road, Westport, CT 06880, U.S.A., the co-trustees of the Settlement known as the Hall Children C.I. Trust ("the Trust"), the Applicants seek the following relief pursuant to the Trusts Law (1996 Revision) s. 45 and/or GCR Order 85 Rule 2(3)(c), namely an Order:

1. That the Fifth Respondent or some other person be appointed to represent all minor and unborn persons who might have a beneficial interest or who might hereafter become beneficially interested under the trusts of the Trust.
2. That the Applicants be at liberty to prosecute proceedings which have been commenced by them in the Grand Court of the Cayman Islands (the short title and reference to the record whereof is "John P. Hall II and anor. -v- Melisa Hall-Aquitania and ors.", Cause No. 795 of 1997) in respect of the Trust of which the Applicants claim to be the trustees.
3. That the Applicants be indemnified against all costs of and incidental to the said proceedings out of the Trust funds, including any costs which the Applicants may be ordered to pay to other parties to the said proceedings.
4. That provision be made for the costs of this application.

DATED this 22nd day of May 1998

Ritch & Conolly
RITCH & CONOLLY

Note: This Summons may not be served later than 6 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons was issued by Messrs. Ritch & Conolly, Attorneys-at-Law for the Applicants herein, whose address for service is that of their said Attorneys-at-Law, P.O. Box 1994, 3rd Floor, Royal Bank Building, George Town, Grand Cayman, B.W.I.

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APPLICANTS

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RESPONDENTS

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 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.

Please complete overleaf

**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. 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.
3. 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*)”.
4. 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.
5. 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.
6. 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.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.