

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 57 of 2022 (IKJ)



MATTER OF PROCEEDINGS UNDER SECTION 48 OF THE TRUSTS ACT (2021

AND IN THE MATTER OF THE X TRUST AND THE Y TRUST

BETWEEN:

A Limited

(in its capacity as trustee of the X Trust and the Y Trust)

Plaintiff

v

B

Defendant

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**ORIGINATING SUMMONS**

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LET THE DEFENDANT, in a personal capacity and as representative of all persons who are or may be interested in or affected by this originating summons attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the     day of                     2022 at     am/pm on the hearing of an application by the Plaintiff the details of which are set out in this originating summons.

**AND LET THE DEFENDANT**, within 28 days after service of this originating summons on the defendant, 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 Originating Summons, which is issued by A Limited (the **Trustee**) as trustee of the X Trust and the Y Trust, , the Trustee seeks orders of the Court that:

- 1 It be permitted to retain its fees and expenses previously paid; to pay its incurred but unpaid fees and expenses; and to pay its future fees, including its annual fixed fees and any special fees as defined in the evidence in support of this Originating Summons, and expenses, including its reasonable legal expenses, incurred or to be incurred in its capacity as trustee of the X Trust and the Y Trust.
- 2 It be permitted to surrender and encash the two policies referred to in the Trustee's evidence in support of this Originating Summons by way of realisation of Trust assets, *inter alia* to pay the said unpaid fees and expenses and future fees and expenses.
- 3 The Trustee be indemnified out of the assets of the X Trust and the Y Trust in respect of its costs of the Originating Summons.

Dated this 1<sup>st</sup> day of June 2022

Filed this 1<sup>st</sup> day of June 2022

Harney Westwood & Riegels

**Harney Westwood & Riegels**

Attorneys for the Plaintiff

**THIS ORIGINATING SUMMONS** was filed by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiff, whose address for service is 3<sup>rd</sup> Floor, Harbour Place, 103 South Church Street, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: CXM/051013.0005).

**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 Acknowledgement 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[s] or by the Defendant[s] if acting in person. After completion it must be delivered or sent by post to the Law Courts, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

**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 fourteen (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 “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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FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 57 of 2022 (IKJ)

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REVISION)

AND IN THE MATTER OF THE X TRUST AND THE Y TRUST

BETWEEN:

A Limited

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Plaintiff

v

B

Defendant

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**ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS**

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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.

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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]'[s] Attorney (or be Plaintiff[s] if suing in person) of his name, address and reference, if any, in the box below.

Harney Westwood & Riegels  
3<sup>rd</sup> Floor, Harbour House  
103 South Church Street  
PO Box 10240  
Grand Cayman KY1-1002  
Cayman Islands  
(Ref: CXM/051013.0005)

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

