

IN THE GRAND COURT OF THE CAYMAN ISLANDS

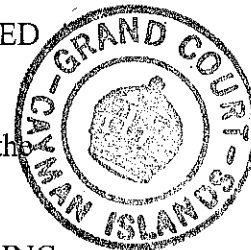
CAUSE NO. 48 OF 1998

IN THE MATTER of the trusts of a Settlement dated 5 January 1984 and made between Captain Pandelis Christos Lemos as Settlor and Roywest Trust Corporation (Cayman) Limited and Others as Trustees (known as the Trofos Foundation)

- BETWEEN:
- (1) PANDELIS CHRISTOS LEMOS
  - (2) MARIKA CHRISTOS LEMOS
  - (3) PANDELIS GEORGIOS LEMOS (a minor)  
by Georgios Pandelis Lemos (his father and next friend)
  - (4) ASPASIA GEORGIOS LEMOS (a minor)  
by Georgios Pandelis Lemos (her father and next friend)
  - (5) AIKATERINI GEORGIOS LEMOS (a minor)  
by Georgios Pandelis Lemos (her father and next friend)

PLAINTIFFS

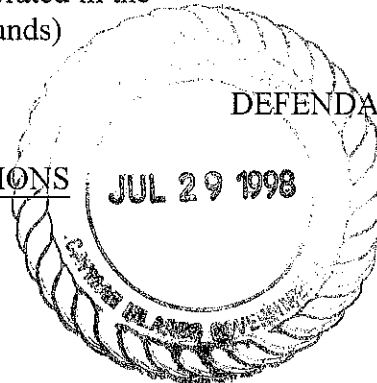
- AND:
- (1) COUTTS (CAYMAN) LIMITED
  - (2) COUTTS (JERSEY) LIMITED
  - (3) SEATON TRUSTEES INC.  
(a company incorporated in the  
Turks & Caicos Islands)
  - (4) PARTHENON TRUSTEES INC.  
(a company incorporated in the  
Turks & Caicos Islands)



DEFENDANTS

WRIT OF SUMMONS

JUL 29 1998



- TO:
- (1) Coutts (Cayman) Limited  
Coutts House  
West Bay Road  
Grand Cayman
  - (2) Coutts (Jersey) Limited  
23-25 Broad Street  
St. Helier  
Jersey JE4 8ND, Channel Islands

- (3) Seaton Trustees Inc.  
Chartered Trust Company  
Mezzanine Floor  
Town Centre Building  
Providenciales  
Turks & Caicos Islands
  
- (4) Parthenon Trustees Inc.  
Chartered Trust Company  
Mezzanine Floor  
Town Centre Building  
Providenciales  
Turks & Caicos Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 29<sup>th</sup> day of July, 1998.

NOTED – This Writ 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 date of issue unless renewed by order of the Court.

### IMPORTANT

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

## THE PLAINTIFFS' CLAIM:-

The Plaintiffs claim as beneficiaries under the trusts of a Settlement dated 5th January 1984, as revised, and made between Captain Pandelis Christos Lemos as Settlor and Roywest Trust Corporation (Cayman) Limited and Others as Trustees (known as the Trofos Foundation). The Plaintiffs' claim is made personally against the Defendants as the Trustees of the Trofos Foundation, the Defendants being sued in respect of their failure to comply with their duties as such Trustees and for breach of trust in ordering, on 7th February 1995, three ships to be built by the Hitachi Zosen Corporation of Japan at a price of US\$ 28,474,000 per vessel. By their claim the Plaintiffs seek -

- (1) all proper accounts and inquiries necessary to determine -
  - (A) the present value of the Foundation's Shipping Capital Fund and
  - (B) the proper value of the said Shipping Capital Fund on the footing that the Trustees had not ordered the said ships but had instead invested the cash component of the said Shipping Capital Fund properly and continued to retain and operate the pre-existing fleet;

in each case as at the date of taking such account;
- (2) payment by the Trustees and each of them to the Foundation of such sums as are found necessary on taking the aforesaid account to restore the said Shipping Capital Fund of the Foundation to its proper level as so found;
- (3) equitable compensation for breach of trust and restitution of the trust fund;
- (4) if required, all directions necessary for determining whether all or any of the Trustees (and, if so, which) should be removed as Trustees and replaced by some other fit and proper person or persons;
- (5) further or other relief;
- (6) costs.

  
 \_\_\_\_\_  
 W.S. WALKER & COMPANY  
 Attorneys-at-Law for the Plaintiffs

FILED by W.S. Walker & Company of P.O. Box 265, Caledonian House, George Town, Grand Cayman, Attorneys-at-Law for the Plaintiffs whose address for service is care of their said Attorneys-at-Law

IN THE GRAND COURT OF THE CAYMAN ISLANDS

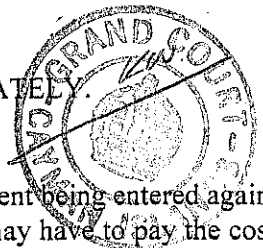
CAUSE NO. 458 OF 1998

IN THE MATTER of the trusts of a Settlement dated 5 January 1984 and made between Captain Pandelis Christos Lemos as Settlor and Roywest Trust Corporation (Cayman) Limited and Others as Trustees (known as the Trofos Foundation)

BETWEEN: (1) PANDELIS CHRISTOS LEMOS and others PLAINTIFFS  
AND: (2) COUTTS (CAYMAN) LIMITED and others DEFENDANTS

**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendants by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (*tick where appropriate*)

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceeding, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)

yes

Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

[Attorney] for

[Defendant in person]

Address for service:

***Please complete overleaf***

**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 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.*

W.S. Walker & Company

P.O. Box 265  
Caledonian House  
Mary Street  
Grand Cayman  
Ref: W95-18098

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF  
WRIT OF SUMMONS**

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

*See over for notes for guidance*

*Please complete overleaf*

## 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 Court's 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 Writ of 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 Court's office.