

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 94 OF 2005

IN THE MATTER OF THE HPH SETTLEMENT

AND IN THE MATTER OF THE HPH DISTRIBUTION SETTLEMENT NO. 2

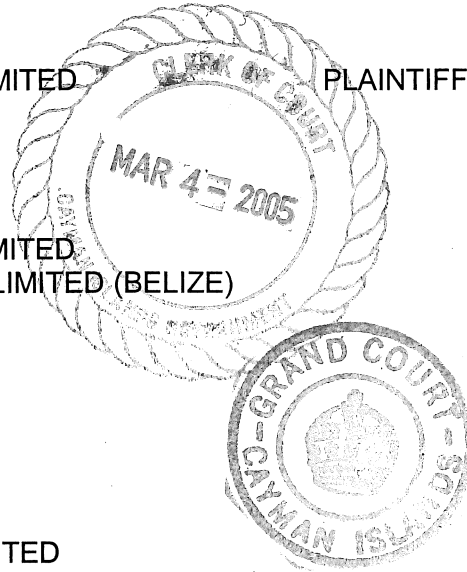
BETWEEN

KESTREL STOCK TRADING CO. LIMITED PLAINTIFF

AND:

- (1) DAVENTREE TRUSTEES LIMITED
- (2) DAVENTREE RESOURCES LIMITED (BELIZE)
- (3) TOMAS SEVCIK
- (4) CHRISTINA SARRIS
- (5) POLAKIS SARRIS
- (6) BORIS VOSTRY
- (7) SANTIAGO GOMEZ
- (8) JURAJ SIROKY
- (9) HPH PROTEKTOR LIMITED
- (10) HARMS HOLDINGS CO. LIMITED
- (11) DENEK SHIPPING LIMITED

DEFENDANTS



**ORIGINATING SUMMONS**

**TO: THE FIRST DEFENDANT** of 36 Lord Byron Avenue, Nicosia Tower Center, Nicosia 1056, Cyprus

**AND TO: THE SECOND DEFENDANT** of 62 Gabourel Lane, Belize City, PO Box 2284, Belize Central America

**AND TO: THE THIRD DEFENDANT** of Briksova 756, Prague 9, Czech Republic

**AND TO: THE FOURTH DEFENDANT** of 36 Lord Byron Avenue, Nicosia Tower Center, Nicosia 1056, Cyprus

**AND TO: THE FIFTH DEFENDANT** of 36 Lord Byron Avenue, Nicosia Tower Center, Nicosia 1056, Cyprus

**AND TO: THE SIXTH DEFENDANT** of 504 Marina Towers, Belize City, Belize

**AND TO: THE SEVENTH DEFENDANT** of 504 Marina Towers, Belize City, Belize

**AND TO: THE EIGHTH DEFENDANT** of Strmyvrosk 137, 82106 Bratislava, Slovak Republic

**AND TO: THE NINTH DEFENDANT** of Aeulenstrasse 5, Vaduz, Liechtenstein

**AND TO: THE TENTH DEFENDANT** of 36 Lord Byron Avenue, Nicosia Tower Center, Nicosia 1056, Cyprus

**AND TO: THE ELEVENTH DEFENDANT** of 36 Lord Byron Avenue, Nicosia Tower Center, Nicosia 1056, Cyprus

**LET THE DEFENDANTS**, within 28 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman. Cayman Islands

**BY THIS SUMMONS**, which is issued on the application of KESTREL STOCK TRADING CO. LIMITED of 1 Costakis Pantelides Avenue, CY-1010 Nicosia, Cyprus, the Plaintiff seeks the following relief against the Defendants, namely an Order that:

1. The following trusts ("the Trusts") may be carried into execution by this Honourable Court –

- 1.1 a trust called "The HPH Settlement" which was made by deed under Cyprus law on 4<sup>th</sup> December, 2002 between a company incorporated in the Cayman Islands called HPH Cayman Limited (as settlor), a company incorporated in Cyprus called Daventree Trustees Limited

(as trustee), and an individual resident in the Republic of Slovakia called Juraj Siroky (as protector); of which the class of beneficiaries is comprised of the registered shareholders of a company incorporated in the Czech Republic called Harvardsky Prumyslovy Holdings a.s.; and

- 1.2 a trust called "The HPH Distribution Settlement No. 2" which was made by deed under Cyprus law on 6<sup>th</sup> February, 2003 between the same parties in the same capacities, on the same terms, and with the same beneficiaries, as the HPH Settlement.
2. If and insofar as may be necessary the Trusts and each of them be taken into administration by the court.
3. An inquiry be made of what particulars the property in the jurisdiction now subject to the Trusts consists.
4. All necessary and proper consequential directions, accounts and enquiries be made.
5. That provision may be made for the costs of this Application.
6. Further or other relief.

If the Defendants do not acknowledge service, such judgment may be given or Order made against or in relation to the Defendants as the Court may think just and expedient.

DATED the 3rd day of March 2005.



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**WALKERS**

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 that date unless renewed by order of the Court.

**IMPORTANT**

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

This Originating Summons is filed by Walkers, Attorneys-at-Law, Walker House, Mary Street, P.O. Box 265 GT, George Town, Grand Cayman, for the Plaintiff whose address for service is care of its said Attorneys-at-Law.