

IN THE GRAND COURT OF THE CAYMAN ISLANDS

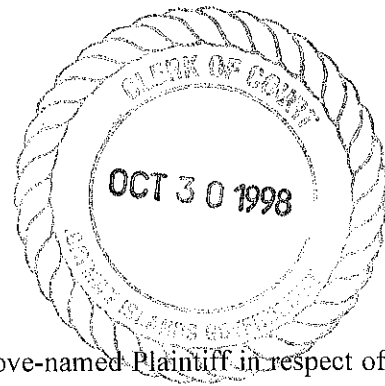
683
CAUSE NO: OF 1998

BETWEEN TONY DJEDDAH PLAINTIFF
(by his guardian ad litem, Howard M. Reiner)

AND BANK OF BUTTERFIELD DEFENDANTS
INTERNATIONAL (CAYMAN) LIMITED



WRIT OF SUMMONS



TO: Bank of Butterfield International (Cayman) Ltd.
P.O. Box 705GT
George Town, Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff 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 495GT, 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of October, 1998.

IMPORTANT

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

THE PLAINTIFF'S CLAIM is for: -

1. A Declaration that the Defendant as trustee of the trusts of a settlement dated the 13th day of September 1989 made between Tony Djeddah as settlor and The Bank of N. T. Butterfield & Son (Cayman) Limited as trustee, known as the Corduroy Trust, has acted in wilful default of its obligations as trustee by acting on instructions purporting to come from the settlor or to have been given on his behalf and in making payments to or on behalf of the settlor on instructions purporting to come from the settlor or to have been given on his behalf that the settlor had no mental capacity to provide from 1992 onwards;
2. An order that the Defendant do compensate the trust estate and restore it to its position prior to the Defendant's breaches of trust;
3. An order that the Plaintiff and/or some other fit and proper persons be appointed to be trustees of the trusts in place of the Defendant;
4. An Inquiry as to what investments were sold by the Defendant for the purpose of enabling it to make the purported advances, and by what investments the same would now be represented if the investments so sold had been retained by the Defendant as such trustee as aforesaid;
5. An order that the Defendant do purchase and transfer to the new trustees when so appointed as aforesaid such investments as shall be certified to represent now the investments so sold as aforesaid;
6. An Inquiry as to the dividends which would have been received by the Defendant as such trustee as aforesaid if it had retained the investments from the date of the respective sales thereof;
7. Payment to the new trustees when so appointed as aforesaid of the amount certified in answer to the said Inquiry together with interest thereon pursuant to section 34 of the Judicature Law (1995 Revision);
8. All other necessary Accounts, Directions and Inquiries;
9. If and so far as may be necessary execution of the trusts under the direction of this Honourable Court;

10. Further and other relief; and

11. Costs.

W.S. Walker & Co
W.S. WALKER & COMPANY
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by W.S. Walker & Company of P.O. Box 265, Caledonian House, George Town, Grand Cayman, Attorneys-at-Law for the Plaintiff herein whose address for service is care of his said Attorneys-at-Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 199

BETWEEN TONY DJEDDAH PLAINTIFF
(by his guardian ad litem, Howard M. Reiner)

AND BANK OF BUTTERFIELD DEFENDANTS
INTERNATIONAL (CAYMAN) LIMITED

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 the Defendant whereby he may have to pay the costs of applying to set it aside.

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

Bank of Butterfield International (Cayman) Ltd.

2. State whether the Defendant intends to contest or otherwise participate in 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

no

Service of the Writ is acknowledged accordingly

(Signed) _____

Please complete overleaf

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 199

BETWEEN TONY DJEDDAH PLAINTIFF
(by his guardian ad litem, Howard M. Reiner)

AND BANK OF BUTTERFIELD
INTERNATIONAL (CAYMAN) LIMITED
MAPLES AND CALDER (a firm) DEFENDANTS

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

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

Maples and Calder (a firm)

2. State whether the Defendant intends to contest or otherwise participate in 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

no

Service of the Writ is acknowledged accordingly

(Signed) _____

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: SJC/as/R302-18277
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Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.

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**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 Defendants 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 notice 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.