

IN THE GRAND COURT OF THE CAYMAN ISLANDS

IN THE MATTER OF THE ESTATE OF EMMA GEORGINA HUNTER

AND IN THE MATTER OF THE ESTATE OF ARLETTE ELAINE MOTT-TRILLE

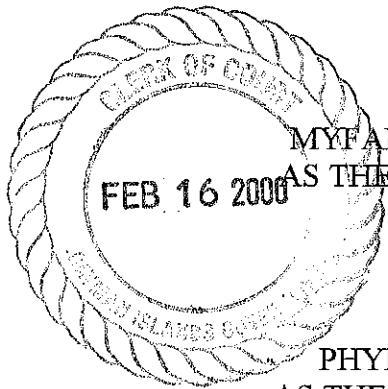
AND IN THE MATTER OF THE ESTATE OF EMMA LOUISE FULFORD

BETWEEN

WILLIAM DAVID FULFORD
AS THE EXECUTOR OF THE ESTATE OF
EMMA LOUISE FULFORD

PLAINTIFF

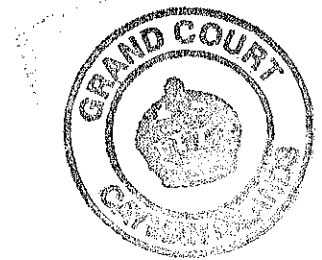
AND



MYFANWY MACKENZIE AND WILLIAM REID
AS THE ADMINISTRATORS OF THE ESTATE OF
ARLETTE ELAINE MOTT-TRILLE

AND

PHYLLIS HUNTER AND ALLA MAE GURR
AS THE ADMINISTRATORS OF THE ESTATE OF
EMMA GEORGINA HUNTER



DEFENDANTS

ORIGINATING SUMMONS

TO: Myfanwy Mackenzie of and whose address for service is at Thirtover, Cold Ash, Newbury, Berkshire, England and William Reid of and whose address for service is at PO Box 879 GT, Grand Cayman and Phyllis Hunter of and whose address for service is at PO Box 1176 GT, Grand Cayman and Alla Mae Gurr of and whose address for service is also at PO Box 1176 GT, Grand Cayman.

LET THE DEFENDANTS, Myfanwy Mackenzie, William Reid, Phyllis Hunter and Alla Mae Gurr, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, PO Box 495 GT, George Town, Grand Cayman.

BY THIS SUMMONS which is issued on the application of the Plaintiff, William David Fulford of 4 Wesley Road, Apt #4, Mandeville, Manchester, Jamaica, the Plaintiff seeks relief and a determination of the Court on matters arising from the following:-

1. The Plaintiff is the issue of William Eric Fulford deceased and Emma Louise Fulford deceased.
2. By her will dated 12th August 1986, the said Emma Louise Fulford appointed the Plaintiff as her Executor and bequeathed all her net estate to the Plaintiff.

3. Emma Louise Fulford died on 13th October 1990 and pursuant to an Order of the Judge of the Ontario Court (General Division) the Plaintiff was granted Letters Probate in the Estate of Emma Louise Fulford by that Court on 6th December 1990.
4. The said grant of Letters Probate to the Plaintiff were resealed by the Grant Court of the Cayman Islands on 14th September 1998 in Grand Court Cause No 76 of 1998.
5. Emma Louise Fulford deceased was one of three children of Radley Mott-Trille Snr and Arlette Elaine Mott-Trille (nee Arlette Elaine Hunter). Emma Louise Fulford deceased, or her estate, is entitled to a one third share of the estate of Arlette Elaine Mott-Trille in accordance with the Will of Arlette Elaine Mott-Trille dated 4th April 1954.
6. That Will provided, inter alia, that the net estate of Arlette Elaine Mott-Trille should be divided equally between Emma Louise Fulford and her siblings, Radley Mott-Trille Jnr and Maria Scott, otherwise known as Maria Hastings-Till (nee Maria Mott-Trille).
7. Arlette Elaine Mott-Trille died on or about 2nd May 1954 and on 18th May 1956 that Will was proved in the Supreme Court of Jamaica by Radley Mott-Trille Jnr and Maria Hastings-Till, the Executors named therein. Marie Hastings-Till died on 30th June 1983 and Radley Mott-Trille Jnr died on 22nd December 1987 leaving part of the estate of Arlette Elaine Mott-Trille unadministered. On 11th April 1995 Myfanwy Mackenzie and William Reid were granted Letters of Administration with the Will Annexed to the estate of Arlette Elaine Mott-Trille.
8. The estate of Arlette Elaine Mott-Trille is in turn entitled to a one fifth share in the estate of the mother of Arlette Elaine Mott-Trille, Emma Georgina Hunter.
9. Emma Georgina Hunter died in or about 1942 and her estate was initially administered by a Valerie H B Marson until the death of Valerie H B Marson in 1981. Thereafter, Letters of Administration were granted in the estate of Emma Georgina Hunter in or about January 1984 to Phyllis Hunter, Alla Mae Gurr and Radley Mott-Trille Jnr.
10. Since his appointment as an Administrator, Radley Mott-Trille Jnr has died so the present Administrators of the estate of Emma Georgina Hunter are the said Phyllis Hunter and Alla Mae Gurr.
11. In the circumstances, the estate of Arlette Elaine Mott-Trille is entitled to a one fifth share in the estate of Emma Georgina Hunter and the Plaintiff by virtue of the estate of Emma Louise Fulford is entitled to a one third share in the estate of Arlette Elaine Mott-Trille.
12. In addition, the entitlement of the estate of Arlette Elaine Mott-Trille to a one fifth share in the estate of Emma Georgina Hunter bestows on the estate of Maria Scott an interest in the estate of Emma Georgina Hunter since the estate of Maria Scott is entitled to a one third share in the estate of Arlette Elaine Mott-Trille.
13. Maria Scott died on the 30th June 1983 and by her Will the said Maria Scott appointed Mary Anne Wheble as her sole Executrix and Mary Anne Wheble was granted Probate in the Estate of Maria Scott in the Probate Registry of the High Court of Justice of England and Wales.

14. By an assignment dated 7th February 1984 the said Mary Anne Wheble assigned to Emma Louise Fulford absolutely all the interests of the estate of the said Maria Scott deceased in the estate of Arlette Elaine Mott-Trille and therefore all the interest which would devolve on Maria Scott from the estate of Emma Georgina Hunter.
15. Interim distributions have been made in connection with the estates of Emma Georgina Hunter and Arlette Elaine Mott-Trille but despite the fact that the Plaintiff has provided to the Administrators of Emma Georgina Hunter and Arlette Elaine Mott-Trille adequate notice of his entitlement to share in those interim distributions, no payments have been made to him.
16. Furthermore, it has come to the attention of the Plaintiff that the Administrators of Emma Georgina Hunter have not accounted for a number of properties which, according to a schedule filed by Valerie H B Marson in 1968, were within the estate of Emma Georgina Hunter at that time.
17. The Plaintiff is also aware of additional parcels of land which were sold by Valerie H B Marson whilst she was the Administrator of the Estate of Emma Georgina Hunter, to an individual who subsequently became an Administrator of the Estate of Emma Georgina Hunter, Alla Mae Gurr, and those sales have not been accounted for.
18. The present Administrators of the Estate of Emma Georgina Hunter have been asked to clarify these apparent discrepancies on a number of occasions but have failed to do so and the Plaintiff is concerned that there may be other matters in addition to those mentioned above which need to be addressed.
19. In the premises, the Plaintiff seeks an Order of the Court that the Administrators of the Estate of Arlette Elaine Mott-Trille and the Administrators of the Estate of Emma Georgina Hunter (hereinafter referred to as "the Defendants") do furnish and file in Court an account of
 - i. the real and personal estate to which Emma Georgina Hunter was entitled to at the time of her death
 - ii. the real and personal estate to which Arlette Elaine Mott-Trille was entitled to at the time of her death
 - iii. the debts, funeral and testamentary expenses of the said Emma Georgina Hunter and the said Arlette Elaine Mott-Trille
 - iv. the dealings of the Defendants with the assets of Emma Georgina Hunter and Arlette Elaine Mott-Trille and a full account of the acts and intromissions of the said Defendants in relation to the estate of the said Emma Georgina Hunter and in relation to the estate of the said Arlette Elaine Mott-Trille
 - v. the assets which now represent the residuary estate of the said Emma Georgina Hunter
20. The Plaintiff further seeks an Order of the Court that upon proof satisfactory to the Court that there has been due and proper administration of the estates of Emma Georgina Hunter and Arlette Elaine Mott-Trille that the Plaintiff be paid or have transferred to him

the assets of the estates of Emma Georgina Hunter and Arlette Elaine Mott-Trille due to him in respect of the entitlements of the estate of Emma Louise Fulford and the estate of Maria Scott.

21. In addition, the Plaintiff claims interest on the interim distribution funds that should have been paid to him pursuant to the rules of the Grand Court in such sums as the Court thinks just.
22. The Plaintiff also claims that the Administrators of the estates of Emma Georgina Hunter and the Administrators of the estate of Arlette Elaine Mott-Trille do personally pay the costs of and incidental to these proceedings.

AND THE PLAINTIFF CLAIMS:-

- i. an order for accounting
- ii. distribution to him of his entitlement in the estates of Emma Georgina Hunter and Arlette Elaine Mott-Trille
- iii. interest
- iv. costs
- v. any necessary and further or consequential directions that may be necessary.

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

Dated the 14th day of February 2000


RITCH & CONOLLY

NOTE - This Summons may not be served later than 4 calendar months (or if leave is required to effect service out of the jurisdiction, six months) beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons was filed by Messrs Ritch & Conolly, Attorneys at Law for the Plaintiff and whose address for service is PO Box 1994 GT, Queensgate House, 113 South Church Street, Grand Cayman, B.W.I.