

IN THE GRAND COURT OF THE CAYMAN ISLANDS

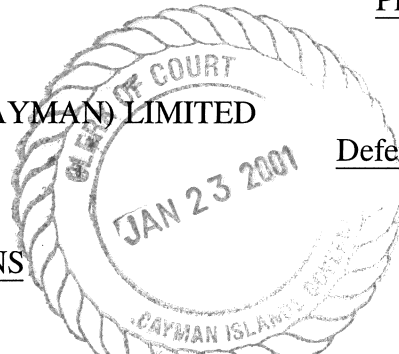
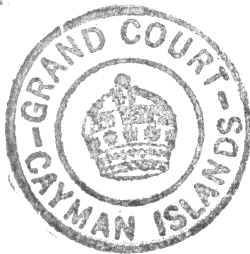
CAUSE NO: 31 OF 2001

BETWEEN: MARIE E. HENKEL, AS TRUSTEE OF THE
BANKRUPTCY ESTATE OF JOHN A.
SERVIZIO

Plaintiff

AND: (1) JOHN SERVIZIO
(2) FIDUCIARY TRUST (CAYMAN) LIMITED

Defendants



WRIT OF SUMMONS

TO: (1) John A. Servizio, 3333 South Atlantic Avenue, Daytona Beach Shores,
Florida, 32118, USA;
(2) Fiduciary Trust (Cayman) Limited, 3rd Floor, One Capital Place, PO Box
1062GT, Grand Cayman, Cayman Islands.

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 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 22nd day of January, 2001.

NOTE - This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

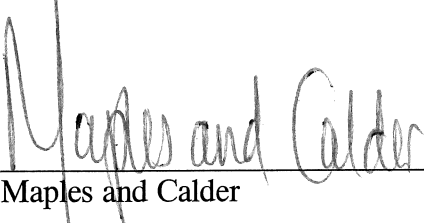
Directions for Acknowledgment of Service are given with the accompanying form.

THE PLAINTIFF claims:

1. An Order that all fraudulent transfers made by the 1st Defendant to the 2nd Defendant or to any company owned in whole or in part by the 2nd Defendant in its capacity as trustee of any trust be set aside.
2. A declaration that the 1st Defendant holds upon constructive trust for the Plaintiff or is liable to account to the Plaintiff for all property that the 1st Defendant has received from the 2nd Defendant in its capacity as trustee of any trust whether by exercise of a discretionary power of the 2nd Defendant or by exercise of any power reserved by or granted to the 1st Defendant under any trust.
3. A declaration that the 2nd Defendant holds upon constructive trust for the 2nd Plaintiff or is liable to account for all the assets held or purportedly held upon the trust of the DSF Investment Trust I or any other trust created by the 1st Defendant or to which the 1st Defendant has added property.
4. A declaration that the 2nd Defendant holds upon constructive trust for the Plaintiff or is liable to account to the Plaintiff for all the assets it holds for the benefit of the 1st Defendant.
5. A declaration that the 2nd Defendant holds upon constructive trust for the Plaintiff or is liable to account to the Plaintiff for all the property transferred to it directly or indirectly by or upon the instructions of the 1st Defendant.
6. A declaration that the Plaintiff is entitled to trace in equity and recover all the property transferred directly or indirectly to the 2nd Defendant by or upon the instructions of the 1st Defendant or assets acquired directly or indirectly with the proceeds of any sale of any such property.
7. All necessary accounts and enquiries to enable the Plaintiff to trace and recover the assets and property referred to in paragraphs (1) to (7) above.
8. An order for the delivery up or transfer to the Plaintiff of all the assets and property referred to in paragraphs (1) to (7) above.
9. Such injunctions as may be appropriate to restrain the 1st and 2nd Defendants from dealing with or disposing of the assets and property referred to in paragraphs (1) to (7) above prior to judgment in this action.
10. Such orders as may be appropriate requiring the 1st and 2nd Defendants to disclose to the

Plaintiff the nature and whereabouts of the assets and property referred to in paragraphs (1) to (7) above, together with all necessary information to enable the Plaintiff to join all other necessary and proper parties to this action.

11. Such orders as may be appropriate requiring the 1st and 2nd Defendants to disclose to the Plaintiff all necessary information to enable the Plaintiff, as appropriate, to trace and to recover the assets and property referred to in paragraphs (1) to (7) above.
12. All necessary enquiries as to damages.
13. Further or other relief.
14. Interest.
15. Costs.



Maples and Calder

THIS WRIT was issued by Maples and Calder, Attorneys for the Plaintiff, whose address for service is Uglan House, P.O. Box 309, George Town, Grand Cayman.

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(s) 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 Courts 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 Courts Office.

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BETWEEN: MARIE E. HENKEL, AS TRUSTEE OF THE BANKRUPTCY ESTATE OF JOHN A. SERVIZIO

Plaintiff

AND: (1) JOHN SERVIZIO (2) FIDUCIARY TRUST (CAYMAN) LIMITED

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 Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, 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).....

[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 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 or 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.

Maples and Calder
Ugland House, P.O. Box 309
George Town, Grand Cayman
ref.: 278005-01 / ALP

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