

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. ⁶⁹⁷ OF 2001

IN THE MATTER of a Declaration of Trust dated 30th September 1997
AND IN THE MATTER of the Trusts Law (2001 Revision)

BETWEEN: (1) FIRST CAYMAN BANK LTD. (IN LIQUIDATION)

Applicant

AND: (1) THE ATTORNEY – GENERAL OF THE CAYMAN ISLANDS
(on behalf of the Government of the Cayman Islands)
(2) EUROBANK CORPORATION (IN LIQUIDATION)

Respondents

ORIGINATING SUMMONS

TO: (1) The Attorney-General of the Cayman Islands, Attorney-General's Chambers, Legal Department, Cayman Islands Government and (2) Eurobank Corporation (In Liquidation), through its Third Liquidator, Mr Christopher Morris


LET the Respondents within 28 days after service of this Originating Summons upon them, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, P.O. Box 495GT, George Town, Grand Cayman. By this Originating Summons, which is issued upon the application of the Applicant, the Applicant seeks the following relief:

1. That it may be appointed as representative of the depositors of First Cayman Bank Ltd (in Liquidation) for the purposes of this application.;
2. A declaration that the sum of US\$2.5 million received by the First Respondent from the Second Respondent on 8th October, 1997 (plus accrued interest thereon) is held by the First Respondent as Trustee pursuant to a declaration of Trust dated 30th September, 1997;

3. That all other further and necessary directions may be given;
4. That provision may be made for the costs of this application;
5. Further and other relief, including all necessary accounts and inquiries.

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

DATED the 7th day of November, 2001.



WALKERS
Attorneys-at-Law for the Applicant

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 Acknowledgement of Service are given with the accompanying form.

This Originating Summons was issued by Walkers, Attorneys-at-Law for the Applicants, whose address for service is Walker House, Mary Street, P.O. Box 265GT, George Town, Grand Cayman.

IN THE MATTER of a Declaration of Trust dated 30th September 1997

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BETWEEN: (1) FIRST CAYMAN BANK LTD (IN LIQUIDATION)
Applicant

AND: (1) THE ATTORNEY – GENERAL OF THE CAYMAN ISLANDS
(on behalf of the Government of the Cayman Islands)
(2) EUROBANK CORPORATION (IN LIQUIDATION)

Respondents

**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.

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

2. State whether the Respondent intends to contest or otherwise participate in the proceedings (*tick appropriate box*).

yes

no

Service of the Originating Summons is acknowledged accordingly.

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

Notes on address for service

Attorney: where the Respondent is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Respondent may not act by a foreign attorney.

Respondent in person: where the Respondent 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 principal office.

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

Walkers P.O. Box 265 Walker House Mary Street Grand Cayman Ref:
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Indorsement by Respondent's Attorney (or by Respondent 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 ORIGINATING SUMMONS**

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Respondent or by the Respondent if acting in person. After completion it must be delivered or sent by post the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Respondent (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Respondent personally is treated as having been served on the day it was delivered to him.
4. Where the Respondent 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 Originating Summons)".
5. Where the Respondent 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.
6. Where the Respondent 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.
7. Where the Respondent 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 steps in the proceedings without an Attorney acting on its behalf.
8. Where the Respondent is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Respondent acting in person may obtain help in completing the form at the Courts Office.