

IN THE GRAND COURT OF THE CAYMAN ISLANDS

726  
CAUSE NO. OF 2001

IN THE MATTER of the Deed of Settlement dated 30<sup>th</sup> June, 1997 between Mrs. Giuseppina Grossi as Settlor and Fenlex Holdings & Services Limited as Trustee of the Trust known as the Giuseppina Trust

AND IN THE MATTER of Section 48 of the Trusts Law (2001 Revision)

BETWEEN

FENLEX HOLDINGS & SERVICES LTD PLAINTIFF

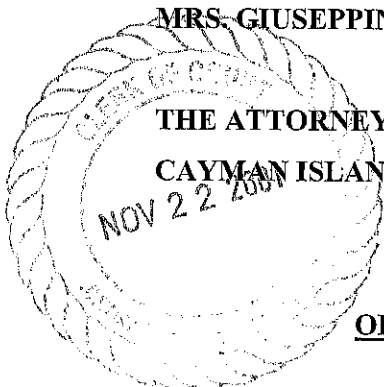
AND

MRS. GIUSEPPINA GROSSI

FIRST DEFENDANT

THE ATTORNEY GENERAL OF THE  
CAYMAN ISLANDS

SECOND DEFENDANT



ORIGINATING SUMMONS

- TO: (1) Mrs Giuseppina Grossi of Sun Tower, Avenue Princesse Alice 7, Monte Carlo (who is the named settlor of the trusts established by the above mentioned Deed of Settlement).
- (2) The Attorney General of the Cayman Islands (as the representative of the interests of charity which is named as the ultimate default beneficiary of the trusts established by the above mentioned Deed of Settlement).

LET THE DEFENDANTS, within 28 days, after service of this Summons on 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 Summons, which is issued on the application of Fenlex Holdings & Services Ltd of 198, Old Bakery Sweet, Valleta, VLT 09, Malta, on the hearing of an application pursuant to Section

48 of the Trusts Law (2001 Revision) and/or Order 85 of the Grand Court Rules and/or the inherent jurisdiction of the court the Plaintiff, Fenlex Holdings & Services Ltd (“the Trustee”), as trustee of the above mentioned Deed of Settlement constituting the Trust known as the Giuseppina Trust, the Trustee seeks the following orders, directions and relief:

1. That such directions as this Honourable Court shall think fit may be given as to:
  - i. whether any and if so which persons (in addition to the original defendants) should be joined as a party or parties to these proceedings or be served with notice of these proceedings;
  - ii. whether and if so what representation orders should be made;
2. That leave be given to serve these proceedings on Mrs. Giuseppina Grossi out of the jurisdiction;
3. That the Trustee be directed whether or not it should institute proceedings in the Grand Court of the Cayman Islands for a determination whether upon the true construction of the above mentioned Deed of Settlement and in the events which have happened the trusts established by the said Deed of Settlement are valid and for all necessary directions in connection therewith;
4. That pending the determination of paragraph 3 hereof, directions be given to the Trustee in relation to as follows:
  - (i) as to how the assets held or purportedly held on the trusts established by the Deed of Settlement should be administered;
  - (ii) authorising the Trustee to complete and/or to take all steps necessary to complete the sale of shares held by the Trust through Sakamura Investments in BAUER SPA on the terms outlined in the Affidavit sworn by Mr. Tonio Fenech to be filed in support hereof;

- (iii) the stance the Trustee should take in or in relation to proceedings commenced by Mrs. Grossi in the county court in Gorizia, Italy and/or other proceedings concerning or affecting the trusts established by the Deed of Settlement;
  - (iv) such further or other interim directions as may be necessary;
5. That all necessary or proper consequential directions be given;
6. That provision may be made for the retention or payment out of the trust assets held by the Trustee of the Trustee's costs of these proceedings and their costs of and incidental to the implementation of such directions as may be made pursuant to this Originating Summons on an indemnity basis.

Dated the 21<sup>st</sup> day of November, 2001.

WALKERS  
WALKERS

TIME ESTIMATE: The estimated length of the hearing of this summons is two days.

TO: Mrs. Giuseppina Grossi

AND TO: The Attorney General of the Cayman Islands

AND TO: Clerk of Court

This Originating Summons was issued by Walkers, whose address for service is Walker House, P.O. Box 265GT, George Town, Grand Cayman, attorneys-at-law for the Plaintiff (the Trustee).