

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 752 OF 2001

IN THE MATTER of The Deed of Settlement made the 21st day of August 2000 ("the Paula Slater Trust") between David Slater and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 5th day of October 1998 ("the Gillespie Trust") between Cathryn Ann Gillespie and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 5th day of October 1998 ("the White Trust") between Clare Mary White and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 26th day of November 1998 ("the Handley Trust") between Mary Elaine Handley and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 21st day of August 2000 ("the Darcey Trust") between Barrie Darcey and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 13th day of December 1999 ("the Eindhoven Trust") between Caroline Ann Hicks and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 13th day of December 1999 ("the Newhaven Trust") between Barrie James Hicks and HSBC Financial Services (Cayman) Limited

AND: IN THE MATTER of The Deed of Settlement made the 31st day of March 2000 ("the Mullins Trust") between Mary Elizabeth Jones and HSBC Financial Services (Cayman) Limited

BETWEEN: (1) DAVID SLATER
(2) CATHRYN ANN GILLESPIE
(3) CLARE MARY WHITE
(4) MARY ELAINE HANDLEY
(5) BARRIE DARCEY
(6) CAROLINE ANN HICKS
(7) BARRIE JAMES HICKS
(8) MARY ELIZABETH JONES

PLAINTIFFS

AND: HSBC FINANCIAL SERVICES (CAYMAN) LIMITED DEFENDANT

ORIGINATING SUMMONS

ORIGINATING SUMMONS

TO: HSBC Financial Services (Cayman) Limited
c/o Walkers P.O. Box 265,
Walker House, Mary Street,
George Town, Grand Cayman, Cayman Islands

LET the Defendant within 14 days after service of this summons upon it, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495GT, George Town, Grand Cayman, Cayman Islands

By this Summons which is issued on the application of the Plaintiffs, whose address for service in each case, is care of Walkers, P.O. Box 265GT, Walker House, Mary Street, George Town, Grand Cayman, Cayman Islands, the Plaintiff seeks the following Orders:

1. That the Paula Slater Trust, the Gillespie Trust, the White Trust, the Handley Trust, the Darcey Trust, the Eindhoven Trust and the Newhaven Trust be rectified by replacing clauses 4(a) and (b) with the following:
 - “(a) The Primary Beneficiaries shall be absolutely entitled in equal shares to the income of the Trust Fund. Upon such income arising from time to time and pending instructions from each of the Primary Beneficiaries in relation to that Primary Beneficiary’s share of the said income the Trustee shall hold the same on bare trust for that Primary Beneficiary in respect of his or her share thereof.”
 - (b) “Income held by the Trustee on bare trust as aforesaid shall be invested with the Trust Fund pending instructions from the respective Primary Beneficiary.”
2. That the Mullins Trust be rectified by replacing clauses 4(a) and (b) with the following:
 - “4(a) The Primary Beneficiaries shall be absolutely entitled (in equal shares if more than one) to the income of the Trust Fund. Upon such income arising from time to time and pending instructions from each of the Primary Beneficiaries in relation to that Primary Beneficiary’s share of the said income (or, where there is only one Primary Beneficiary, pending instructions from that Primary Beneficiary) the Trustee shall hold the same on bare trust for that Primary Beneficiary in respect of his or her share thereof.
 - (b) Income held by the Trustee on bare trust as aforesaid shall be invested with the Trust Fund pending instructions from the Primary Beneficiary (if only one) or from the Primary Beneficiaries, if more than one.”
3. Further or other relief;

If the Defendant does not acknowledge service, such judgment may be given or Order made against or in relation to as is the Court may think just or expedient.

DATED the 29th day of November 2001.



WALKERS

Attorneys-at-Law for the Plaintiff

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 Acknowledgment of service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Walkers of P.O. Box 265, Walker House, Mary Street, George Town, Grand Cayman, Cayman Islands, Attorneys-at-Law for the Plaintiff herein, whose address for service is that of its said Attorneys-at-Law.

IN THE MATTER of The Deed of Settlement made the 13th day of December 1999 ("the Newhaven Trust") between Barrie James Hicks and HSBC Financial Services (Cayman) Limited

BETWEEN: BARRIE JAMES HICKS PLAINTIFF
AND: HSBC FINANCIAL SERVICES (CAYMAN) LIMITED 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 a Defendant whereby he may have to pay the costs of applying to set it aside.

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

HSBC FINANCIAL SERVICES (CAYMAN) LIMITED

2. State whether the Defendant intends to contest 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

Service of the Originating Summons is acknowledged accordingly

(Signed) _____

[Attorney] for the Defendant

Address for service: Walkers, P.O.Box 265GT, Walker House, Mary Street, George Town, Grand Cayman

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.

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

WALKERS P.O. Box 265GT Walker House Mary Street Grand Cayman Ref: SRA/H0419-29385
--

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

--

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF
ORIGINATING 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 Originating Summons (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 Originating Summons, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Originating Summons, 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 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 Court's office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a Originating Summons 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 Originating 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 item.
8. A Defendant acting in person may obtain help in completing the form at the Court's office.