

IN THE GRAND COURT OF THE CAYMAN ISLANDS

409 ✓
CAUSE NO. OF 2002

BETWEEN:

DONALD CAROM, 3218520 CANADA INC.,
662492 ONTARIO LIMITED, OSAMU SHIMIZU

Plaintiffs

AND:

- (1) JOHN B. FELDERHOF,
(2) INGRID FELDERHOF,
(3) SPARTACUS CORP.,
(4) BANK OF BUTTERFIELD INTERNATIONAL (CAYMAN)
LIMITED.

Defendants

WRIT OF SUMMONS

- TO: (1) John B. Felderhof, 15 Vista Del Mar, Grand Cayman; and
(2) Ingrid Felderhof c/o Boxalls; and
(3) Spartacus Corp., a company incorporated in the Cayman Islands (Registration Number 68739) c/o Boxalls; and
(4) Bank of Butterfield International (Cayman) Limited c/o Quin & Hampson.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this 11th day of June, 2002.

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 Acknowledgement of Service are given with the accompanying form.

AND THE PLAINTIFF CLAIMS:**AGAINST THE FIRST, SECOND AND THIRD DEFENDANTS:**

1. A declaration that the Plaintiffs are entitled to enforce any judgement they may obtain against the First Defendant in Class Action #97-GD-39574 pending before the Ontario Court General Division (the "Canadian Class Action") against:
 - a. the shares in Spartacus Corp., the Third Defendant;
 - b. the sums standing to the credit of the Second Defendant, Spartacus Corp., Jibe Corporation, Julius Corporation, Marcus Corporation, Plato Holdings and Remus Corporation in accounts with Barclays Bank plc;
 - c. all the property comprised in West Bay Beach North Registration Section, Block 10A, Parcel 263, West Bay Beach North, Block 11D, Parcel 21H3, and West Bay Beach South, Block 12C, Parcel 113; and
 - d. the catamaran known as the Amazing Grace

on the grounds that the Second Defendant holds the legal title to the said property as nominee or bare trustee for the First Defendant absolutely or, alternatively, that the transfer of the said property to the Second Defendant is liable to be set aside on grounds that it was made to her either for no consideration or at an undervalue and with the intention of wilfully defeating obligations owed by the First Defendant to his creditors including the Plaintiffs.

2. A declaration that at all material times the Second and Third Defendants were acting as agents or nominees or bare trustees for the First Defendant in receiving the proceeds of sale of Bre-x shares and/or property purchased with such proceeds of sales.
3. An equitable tracing order and the imposition of a constructive trust against the Second and Third Defendants in respect of all assets transferred to them by the First Defendant.

AGAINST THE FOURTH DEFENDANT:

4. An order that the transfer of (i) 100 shares in Narac Limited and (ii) the sum of approximately US\$750,000 by the First Defendant (either directly or indirectly via the Second Defendant) to the Fourth Defendant on or about 19th June, 1996 be set aside on the grounds that the transfer was made for no consideration or at an undervalue with the intention of wilfully defeating obligations owed by the First Defendant to his creditors including the Plaintiffs.
5. A declaration that the Plaintiffs are entitled to enforce any judgement obtained in the Canadian Class Action against all the property held by the Fourth Defendant upon the trusts of a deed of settlement made on 19th June, 1996 between the First Defendant and the Second Defendant as settlors and the Fourth Defendant as trustee and known as "K's Trust".
6. An order that the transfer of (i) US\$100 on or about 19th June, 1996 and (ii) US\$1,000,000 on or about 4th July, 1996 by the First Defendant (either directly or indirectly via the Second Defendant) to the Fourth Defendant be set aside on the grounds that the transfer was made for no consideration or at an undervalue with the intention of wilfully defeating obligations owed by the First Defendant to his creditors including the Plaintiffs.
7. A declaration that the Plaintiffs are entitled to enforce any judgement obtained in the Canadian Class Action against all the property held by the Fourth Defendant upon the trusts of a deed of settlement made on 19th June, 1996 between the First Defendant and the Second Defendants as settlors and the Fourth Defendant as trustee and known as "J's Trust".
8. An order that the transfer of (i) US\$100; (ii) the issued share capital of Michelle Bell Limited; and (iii) US\$750,000 by the First Defendant (either directly or indirectly via the Second Defendant) to the Fourth Defendant on or after 24th December, 1996 be set aside on the grounds that the transfer was made for no consideration or at an

undervalue with the intention of wilfully defeating obligations owed by the First Defendant to his creditors including the Plaintiffs.

9. A declaration that the Plaintiffs are entitled to enforce any judgement obtained in the Canadian Class Action against all the property held by the Fourth Defendant upon the trusts of a deed of settlement made on 24th December, 1996 between the First and the Second Defendants as settlors and the Fourth Defendant as trustee and known as "M's Trust".

AGAINST ALL THE DEFENDANTS:

10. An order that the Defendants disclose to the Plaintiffs full particulars of all the property transferred by the First Defendant to the Second Defendant and by the Second Defendant to the Third and Fourth Defendants and full particulars of all the property acquired by or on behalf of the Second and Third Defendants with money received (directly or indirectly) from the First Defendant since 1st January, 1993.
11. Such further or other relief as the Court thinks fit.
12. An order for costs.

DATED this 11th day of June, 2002.



MAPLES and CALDER

This Writ was issued by Maples and Calder, attorneys for the Plaintiffs, whose address for service is Uglan House, PO Box 309GT, Grand Cayman, Cayman Islands.