

IN THE GRAND COURT OF THE CAYMAN ISLANDS



766  
CAUSE NO. \_\_\_ OF 2002  
L/A NO. 123/02

IN THE MATTER OF THE SUCCESSION LAW 1995 (REV.) AND THE PROBATE AND ADMINISTRATION RULES (2001)

AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS AND INTERIM RELIEF IN THE MATTER OF THE ESTATE OF OMAR SAMUEL BODDEN ("the Deceased") WHO DIED INTESTATE ON SEPTEMBER 27 2002 PENDING APPLICATION FOR LETTERS OF ADMINISTRATION.

BETWEEN: (1) VERON ANN-MARIE BODDEN APPLICANTS  
(2) JAHMAR SHAKUR BODDEN (*a minor acting  
By his mother and next friend  
Veron Ann-Marie Bodden*)  
AND: (1) DEBRA BODDEN  
(2) OMARA SMITH  
(3) SONIA BUSH  
(4) C. I. B. C. LIMITED  
(5) ROYAL BANK OF CANADA  
(6) GLOBAL LIFE ASSURANCE COMPANY LIMITED RESPONDENTS

EX PARTE/ORIGINATING SUMMONS

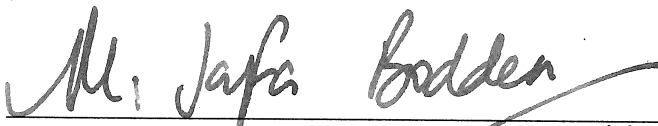
LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the \_\_\_\_\_ day of October 2002, at \_\_\_\_\_ am/pm on the hearing of an Application by the Applicants being the intended Administrator(s) of the Estate for the following relief:-

- (1) That the Honourable Court do give suitable directions to the Intended Administrator (s) for the proper securing, identification and management of the Estate of the deceased ("The Estate") pending application for Letters of Administration.

- (2) That this Honourable Court do grant a declaration that the First Applicant is the surviving spouse of the Deceased pursuant to Section 29 (1) (a) of the Succession Law 1995 (Rev.).
- (3) That this Honourable Court do grant an urgent Ex-parte Mareva Order in terms of the draft Minute of Order attached hereto marked Appendix 1 to prevent harm to and/or dissipation of the Estate and to aid in securing information and assets pertaining to the Estate.
- (4) For an Order that the Court file be sealed from public inspection until further Order of the Court.
- (5) Such further Orders, directions and/or relief as the Court deems just in the circumstances.

**AND** that the grounds for this application are set out in the Affidavit in Support sworn by the said Veron Ann-Marie Bodden, the First Applicant and next friend of the Second Applicant (being a minor) on October 21, 2002.

Issued the <sup>21<sup>st</sup></sup> day of October 2002



**MINAKSHI Jafa BODDEN** XXI/X/02  
**Attorney-at-Law for the Intended Administrators herein**  
**COUNSEL**

**TIME ESTIMATE:** The estimated length of the hearing of this summons is:- 1 hour

TO: The Clerk of the Court  
The Court House  
George Town  
Grand Cayman

**This Ex-Parte Originating Summons was filed by the Chambers of Minakshi Jafa Bodden, XIX Fort Street, Counsel and Attorney-at-Law for the Applicants whose address for service is XIX Fort Street Chambers, Suite 7, Jack & Jill Building 19 Fort Street, George Town, Grand Cayman, Cayman Islands Ref: MJB.**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO: \_\_\_\_ OF 2002  
L/A No. 123/02

IN THE MATTER OF THE SUCCESSION LAW 1995 (Rev.) AND THE PROBATE AND ADMINISTRATION RULES  
(2001)

AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS AND INTERIM RELIEF IN THE MATTER OF  
THE ESTATE OF OMAR SAMUEL BODDEN ("the Deceased") WHO DIED INTESTATE ON SEPTEMBER 27 2002  
PENDING APPLICATION FOR LETTERS OF ADMINISTRATION.

BETWEEN	(1)	VERON ANN-MARIE BODDEN	<u>APPLICANTS</u>
	(2)	JAHMAR SHAKUR BODDEN ( <i>a minor acting by his mother and next friend Veron Ann-Marie Bodden</i> )	
A N D	(1)	DEBRA BODDEN	
	(2)	OMARA SMITH	
	(3)	SONIA BUSH	
	(4)	C. I. B. C. LIMITED	
	(5)	ROYAL BANK OF CANADA	
	(6)	GLOBAL LIFE ASSURANCE COMPANY LIMITED	<u>RESPONDENTS</u>

**APPENDIX 1**

This the Minute of Order referred to in the Originating Summons.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

THE HONOURABLE MR. JUSTICE HENDERSON (IN CHAMBERS)

CAUSE NO. \_\_\_\_ OF 2002  
L/A NO. 123/02

IN THE MATTER OF THE SUCCESSION LAW 1995 (Rev.) AND THE PROBATE AND ADMINISTRATION RULES (2001)

AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS AND INTERIM RELIEF IN THE MATTER OF THE ESTATE OF OMAR SAMUEL BODDEN ("the Deceased") WHO DIED INTESTATE ON SEPTEMBER 27 2002 PENDING APPLICATION FOR LETTERS OF ADMINISTRATION.

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Veron Ann-Marie Bodden*)

AND: (1) DEBRA BODDEN

(2) OMARA SMITH

(3) SONIA BUSH

(4) C. I. B. C. LIMITED

(5) ROYAL BANK OF CANADA

(6) GLOBAL LIFE ASSURANCE COMPANY LIMITED RESPONDENTS

**DRAFT**

ORDER

INJUNCTION PROHIBITING INTERMEDDLING WITH THE ESTATE OF OMAR SAMUEL BODDEN ("The Estate) AND ORDERS FOR DISCLOSURE OF INFORMATION RELATING TO THE ESTATE

IMPORTANT:

NOTICE TO THE FIRST, SECOND AND THIRD RESPONDENTS

- (1) This Order prohibits you from interfering with the assets of the Deceased. The Order is subject to the exceptions at the end of the Order. You should read it all carefully. You are advised to consult an attorney as soon as possible. You have the right to ask the Court to vary or discharge this Order.
- (2) If you disobey this Order you will be guilty of contempt of Court and may be sent to prison or fined or your assets may be seized.

## THE ORDER

An application was made today October 2002 by Counsel for the Applicants to Mr. Justice Henderson in Chambers. Upon hearing Counsel for the Applicants, Mr. Justice Henderson heard the application and read the Affidavit listed in Schedule 2 at the end of this Order.

As a result of the application **IT IS ORDERED** that:

### 1. PROPRIETARY INJUNCTION AND DISPOSAL OF ASSETS

- (1) The First, Second and Third Respondents until further other order whether by themselves, their servants or agents be restrained from:
  - (a) removing from the Cayman Islands any of the assets or belongings of the Deceased which are in the Cayman Islands whether in their own names or not and whether solely or jointly owned or held or controlled by the said First, Second and Third Respondents or any of them as nominees.
  - (b) disposing or dealing with or diminishing the value of any of the Deceased's assets whether they are in or outside the Cayman Islands or not and whether solely or jointly owned or held by the said First, Second and Third Respondents or any of them as nominees. This prohibition includes (but is not limited to) the following assets in particular:-
    - (i) the property known as 15 Oakland Street, Windsor Park, George Town, Grand Cayman. Block and Parcel No. 14D 246 ("the Matrimonial Home").
    - (ii) any or all property and assets and personal effects or goods belonging to the Deceased and/or pertaining to any of the Deceased's businesses or activities and/or earnings and/or the sale proceeds of any of his businesses that may have been sold or transferred or acquired howsoever by others.

- (iii) Any monies in any bank account or accounts whether in the Cayman Islands or in any other country or territory held in the name of the Deceased whether solely or jointly or on his behalf by nominees by the First, Second and Third Respondents or any of them.
  - (iv) Any monies belonging to the Deceased which may have been buried, hidden or secreted away in the Cayman Islands or elsewhere.
- (2) Hindering in any way the Applicants' Attorneys or their authorized servants or agents in carrying into effect the orders herein.
  - (3) Registering or otherwise dealing in anyway with any transfer(s) or removal of any of the deceased assets.
  - (4) Hindering or intimidating in any way the Applicants.

2. **DISCLOSURE OF INFORMATION**

- (1) **The First, Second and Third, Respondents** must inform the Applicants' Attorney, no later than **2(two) days** after service of this Order on them, in writing in respect of:
  - (a) each and every asset (including any monies) acquired or held by any person or company including but not limited to any proceeds of sale or other disposition of any of:
    - (i) The property known as 15 Oakland Street, Grand Cayman;
    - (ii) shares or any part or parcel thereof belonging to the deceased;
    - (iii) The deceased's "yellow" boat;
    - (iv) The Deceased's motor vehicle (s);
    - (v) Any and all assets belonging to the deceased including but not limited to cash, jewelry, personal effects, papers, passport, drivers licence etc. and details of all bank accounts/safety deposit boxes etc.
  - (b) The present location and current ownership of any such assets;
- 2). Within 4 (four) days after being served with this Order, the Respondents must prepare and swear an affidavit confirming the above information and deliver the Affidavit to the Applicants' Attorney.

3. **The Fourth, Fifth and Respondents** must, whether by themselves, or their directors, officers, company managers and/or administrators, employees or agent or otherwise howsoever inform the Applicants' Attorney, also no later than three (3) days after service of this Order on them, in writing of:
- (a) Details of any monies which are held in trust or current or saving accounts and/or mutual funds or fixed deposits in the name of the deceased whether solely or jointly and/or with aliases and/or by nominees together with details of any loans, debentures mortgages and the like;
  - (b) Dates of transfers of such funds from said trusts or current or saving accounts and/or mutual funds or fixed deposits in the name of the deceased;
  - (c) Names of any such transferees.
4. **The Sixth Respondent** must, whether by itself, or by its Directors, officers, company managers and/or administrators, employees or agent or otherwise however inform the Applicants' Attorney, also no later than three (3) days after service of this Order on them, in writing of:-
- (a) Details of any insurance policies, plan or schemes held by the deceased or to his benefit with copies thereof.

3. **CONFIDENTIALITY**

If the Fourth, Fifth and Sixth Respondents or either of them or their directors, officers, company managers and/or administrators, employees or agents or anyone else are of the opinion that paragraph two (2) of this Order imposes upon them an obligation to make an application for directions under Section 4 of the Confidential Relationships (Preservation) Law (1995 Revision), they shall within two (2) days after service of this Order:-

- (a) issue an Ex-parte originating summons;
- (b) swear and file an affidavit in support of this application;
- (c) serve the Ex-parte Originating Summons upon the Attorney General.

In the event that:

- (1) The Fourth, Fifth and Sixth Respondents or their directors, officers, company managers and/or administrators, employees, agents or anyone else makes an application under Section 4 of the Confidential Relationships (Preservation) Law (1995 revision); and
- (2) Comply with the requirements of sub-paragraphs (a), (b) and (c) of this paragraph of the Order.

The Fourth, Fifth and Sixth Respondents or their directors, officers, company managers and/or administrators, employees or agent shall:

- (a) Use their best endeavours to list their Originating Summons as soon as possible;
- (b) Use their best endeavours to seek the consent of the Attorney General to the short service of their Originating summons as soon as possible;
- (c) Notify the Applicants Attorney of the date upon which any Ex-parte originating summons was issued and the date upon which it will be heard and within three days after the hearing of the Ex-parte Originating Summons serve a copy of any section 4 order made upon the Applicant.

4. **EFFECT OF THIS ORDER**

- (1) The First, Second and Third Respondents being individuals ordered not to do something must not do it herself or in any other way. They must not do it through others acting on their behalf or on their instructions or with their encouragement.
- (2) The Fourth, Fifth, and Sixth Respondents each of which are corporations and which are ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

5. **THIRD PARTIES**

- (1) Effect of this Order It is a contempt of Court for any person notified of this Order knowingly to assist in or permits a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.
- (3) Effect of this outside Cayman Islands. The terms of this Order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant country and then they are to effect him only to the extent they have been declared enforceable or have been enforced **UNLESS** such person is.
  - (a) a person to whom this Order is addressed or an Officer or an agent appointed by power of attorney of such a person; or
  - (b) a person who is subject to the jurisdiction of this Court and (i) has been given written notice of this Order and his residence or place of business within the jurisdiction of this Court and (ii) is able to prevent acts or omissions outside the

jurisdiction of this Court which constitute or assist in a breach of the terms of this Order.

(3). Set off by Banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Deceased before they were notified of the Order.

6. **UNDERTAKING**

The Applicants gives to the Court the undertakings set out in Schedule 1 to this Order.

7. **DURATION OF THIS ORDER**

This Order will remain in force up to and including **Wednesday 30<sup>th</sup> October 2002** ('the Return Date'), unless before then it is varied or discharged by a further Order of the Court. The Application in which this Order is made shall come back to the Court for further hearing on the Return Date.

8. **VARIATION OF DISCHARGE OF THIS ORDER**

The Respondents (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as effects that person), but anyone wishing to do so must first inform the Applicants' Attorney in writing on not less than three (3) business days notice.

9. **NAME AND ADDRESS OF APPLICANTS ATTORNEY**

The Applicants Attorneys are:-

XIX Fort Street Chambers

19 Fort Street,

Suite 7,

George Town,

Grand Cayman.

TEL. (345) 943-7000

FAX. (345) 943-7001

Ref: MJB

10. **COSTS**

The costs of and incidental to this application be costs in the cause.

11. **INTERPRETATION OF THIS ORDER**

- 1) In this Order “he” “him” or “his” include “she” or “her” and “it” or “its”.
- 2) Where there are two or more Respondents then (unless the context indicates differently) (a) references to “the Respondents” mean both or all of them; (b) an Order requiring “the Respondents” to do or not to do anything requires each Respondent to do or not to do it; (c) a requirement relating to service of this Order, or any legal proceedings, on “the Respondents means each of them.

**SCHEDULE 1**

Undertakings given to the Court by the Applicants

1. If the Court later finds that this Order has caused loss to the Respondents, and decides that the Respondents should be compensated for that loss, the Applicants will comply with any Order the Court may make.
2. As soon as practicable the Applicants will serve on the Respondents a Summons for the return Date together with a copy of the Affidavit and exhibits containing the evidence relied on by the Applicants. The Applicants are not required to serve or file any further pleadings pending further order of the Court.
3. Anyone notified of this Order will be given a copy of it by the Applicants’ Attorney.
4. The Applicants will not without the leave of the Court begin proceedings against the Respondents in any other jurisdiction or use information obtained as a result of an Order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction without a Court Order.
5. The Applicants will not without the leave of the Court seek to enforce this Order in any country outside the Cayman Islands.

The Judge read the following Affidavit before making this Order:

Affidavit of Veron Ann Marie Bodden Sworn 21<sup>st</sup> October 2002

DATED this \_\_\_\_\_ day of October 2002

FILED this \_\_\_\_\_ day of October 2002

**JUDGE OF THE GRAND COURT**

**PENAL NOTICE**

TO THE WITHIN NAMED RESPONDENTS: IF YOU DISOBEY OF FAIL TO COMPLY WITH THIS ORDER YOU WILL BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT AND/OR TO HAVING YOUR ASSETS SEIZED BY THE COURT

This Order was filed by the Chambers, XIX Fort Street, Counsel and Attorney-at-Law for the Applicants whose address for services is XIX Fort Street Chambers, Suite 7, Jack & Jill Building, , Grand Cayman, Cayman Islands. Ref. MJB.