

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ⁵⁹³ OF 2003

BETWEEN:



CYNTHIA COOK



Plaintiff

-AND-

- (1) GEORGE RICHARD COOK
- (2) ROYAL BANK OF CANADA TRUST
COMPANY (CAYMAN) LIMITED as Trustee
of The Performance Star Trust
- (3) INTERNATIONAL PERFORMANCE
INVESTMENTS LIMITED a/ka
PERFORMANCE INVESTMENTS
INTERNATIONAL LIMITED
- (4) SECURE RETURNS LIMITED
- (5) INTERNATIONAL PROTECTORS &
ADVISORS LTD.

Defendants

WRIT OF SUMMONS

To: George Richard Cook
7 Broadway Avenue Apartment 1005
Toronto, Ontario
Canada

Royal Bank of Canada Trust Company (Cayman) Limited
P.O. Box 1586GT
Cardinal Avenue
George Town, Grand Cayman

International Performance Investments Limited
P.O. Box 1586GT
Cardinal Avenue
George Town, Grand Cayman

Secure Returns Limited
P.O. Box 1586GT
Cardinal Avenue
George Town, Grand Cayman

International Protectors & Advisors Ltd
P.O. Box 472GT
George Town, Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of the City of Port Carling, Province of Ontario, Canada, in respect of the claims set out on the next page.

Within fourteen (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, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings. If you are served outside the jurisdiction you are allowed twenty-one (21) days within which to acknowledge service.

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 day of September, 2003.

NOTE - This Writ may not be served later than four (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.

GENERAL INDORSEMENT

The First Defendant is the husband of the Plaintiff. The First Defendant settled The Performance Star Trust on the 30th May 2000 and is the Enforcer of the said trust. The Trust contains matrimonial assets and the Plaintiff is a beneficiary under the trust.

The Second Defendant is the trustee of The Performance Star Trust and holds directly or indirectly all of the shares of the Third and Fourth Defendants. In addition the Second Defendant as trustee (through its shareholdings in International Performance Investments Limited) holds indirectly the shares in Redcastle Holdings Limited, a company incorporated in the Isle of Man, and Albacon Holdings Limited, a company incorporated in Denmark. The Fifth Defendant is a Cayman company which has the power pursuant to the trust instrument to change the Enforcer.

On or about the 17th of August 2003, the First Defendant unlawfully took approximately CDN \$ 800,000.00 (US\$ 585,000) worth of the Plaintiff's assets and/or the matrimonial assets without the consent of the Plaintiff and has attempted to sell the assets without the Plaintiff's consent.

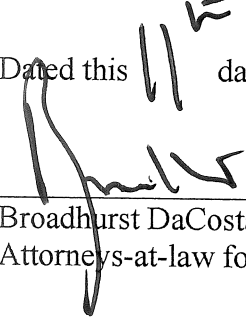
The First Defendant subsequently left the matrimonial home and has made himself unreachable. Large sums of money to which the Plaintiff is entitled have been rendered unavailable for the use and benefit of the Plaintiff and the Plaintiff believes that in breach of trust and in breach of his obligations to the Plaintiff the First Defendant has already begun disposing of the trust assets. An action has been commenced in Toronto Canada with respect to the above conversion and the First Defendants marital obligations. The Plaintiff fears that unless restrained by this Honourable Court the First Defendant will (or will continue) to instruct the Second through Fifth Defendants to dispose of the Trust and/or matrimonial assets.

The Plaintiff claims the following:

- (1) The return of the unlawfully taken assets and damages for the unlawful conversion against the First Defendant;
- (2) Damages against the First Defendant for breach of trust and/or deceit;
- (3) An accounting of all property owned by the First Defendant;
- (4) An injunction restraining the First through Fourth Defendants from disposing of any of the trust assets;
- (5) A injunction against the Fifth Defendant from replacing or removing the First Defendant as Enforcer of The Performance Star Trust;

- (6) A declaration that the assets held by the First through Fourth Defendants are the subject of proper judicial proceedings in Toronto Canada;
- (7) A declaration that all the assets held by the First through Fourth Defendants are impressed with a constructive trust in favour of the Plaintiff;
- (8) Such further or other relief as this Honourable Court thinks just;

Dated this 11th day of September 2003


Broadhurst DaCosta
Attorneys-at-law for the plaintiff

THIS WRIT OF SUMMONS was issued by Broadhurst DaCosta, the attorneys-at-law for the plaintiff, whose address for service is 40 Linwood Street, PO Box 2503 GT, George Town, Grand Cayman, Cayman Islands, BWI.

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF 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 495, 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 acting in person).

If a Statement of Claim is indorsed on the Writ (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 Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, 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 Acknowledgement 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 Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ 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 Writ of 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 litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

ACKNOWLEDGEMENT OF SERVICE OF WRIT OF 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 where he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged :

2. State whether the Defendant intends to contest the proceedings (*tick the appropriate box*)

Yes [] No []

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, 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 Writ is acknowledged accordingly.

(Signed) _____

[Attorney] for

[Defendant in Person]

Address for Service:

Please see overleaf.....

Notes on address for service

Attorney: where 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 office box number and 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 or principal office.

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

Broadhurst DaCosta
40 Linwood Street
P.O. Box 2503
George Town, Grand Cayman

per: Peter A. Broadhurst

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