

IN THE GRAND COURT OF THE CAYMAN ISLANDS

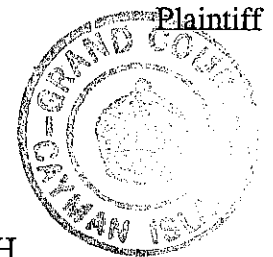
HOLDEN AT GEORGE TOWN GRAND CAYMAN

CAUSE NO <sup>291</sup> OF 1995

IN THE MATTER of the TRUSTS of THE COMFORT TRUST established by a Trust Settlement dated 29th September 1992 and made between Fahad Mohammed Al-Sabah as settlor and Bank of New Providence Trust Company Limited as trustee and restated by a Second Amendment and Complete Restatement of Trust Settlement dated 12th February 1993 and made between Fahad Mohammed Al-Sabah as settlor and Bank of Butterfield International (Cayman) Ltd as trustee

BETWEEN:-

BANK OF BUTTERFIELD  
INTERNATIONAL (CAYMAN) LTD.

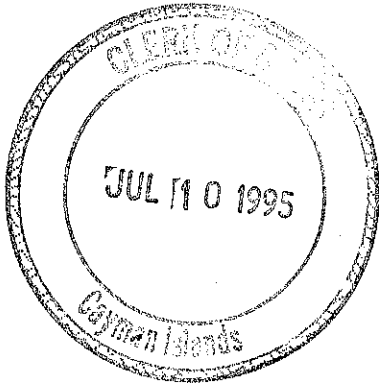


Plaintiff

AND

- (1) SHEIKH FAHAD MOHAMMED AL-SABAH  
(2) BARBARA ALICE AL-SABAH  
(3) MISHAL ROGER AL-SABAH

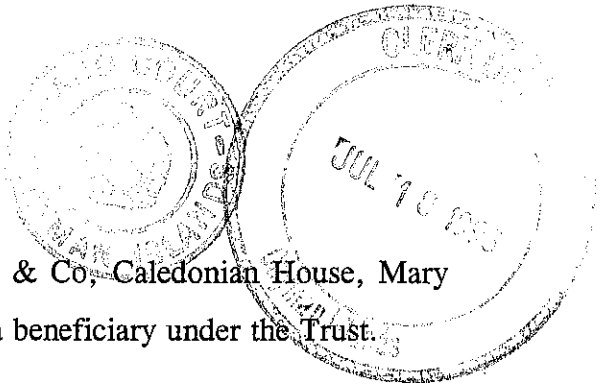
Defendants



**ORIGINATING SUMMONS**

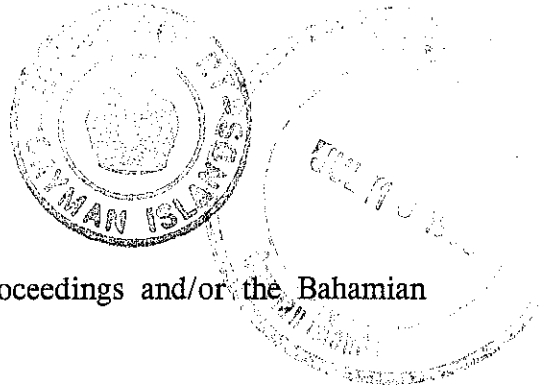
**LET** the Defendants:-

- (1) Sheikh Fahad Mohammed Al-Sabah of "Fairview", Lot 22, Block 32, Lyford Cay, Nassau, Bahamas who is the settlor of and a beneficiary under the above-mentioned trust ("the Trust");
- (2) Barabara Alice Al-Sabah of c/o W.S. Walker & Co, Caledonian House, Mary Street, George Town, Grand Cayman who is a beneficiary under the Trust;

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- (3) Mishal Roger Al-Sabah of c/o W.S. Walker & Co, Caledonian House, Mary Street, George Town, Grand Cayman who is a beneficiary under the Trust.

ATTEND before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 4<sup>th</sup> day of August 1995 at 9.30 O'clock on the hearing of an application by the Plaintiff BANK OF BUTTERFIELD INTERNATIONAL (CAYMAN) LTD of Butterfield House, PO Box 705, George Town, Grand Cayman the sole trustee of the Trust, the Plaintiff seeks the following relief namely:-

- 1 Directions whether the Plaintiff as trustee of the Trust should or should not defend an action which has been brought against it in this Court, the short title to which is Grupo Torras SA and others v Bank of Butterfield International (Cayman) Ltd and others, Cause number 271 of 1995 ("the Cayman proceedings"), in relation to the property and assets which are the subject matter of the Trust for relief including a declaration that the trustee and others hold upon constructive trust for Grupo Torras SA and Torras Hostench London Limited or are liable to account to those parties for all the assets held or purportedly held upon the trusts of the Trust and for other relief as appears from the Writ in the Cayman proceedings.
- 2 Directions as to what steps the Plaintiff should take (if any) in relation to proceedings which have been brought in the Commonwealth of the Bahamas Supreme Court Common Law Side the short title to which is Grupo Torras SA and others v Sheikh Fahad Mohammad Al Sabah and others 1994 No 72 ("the Bahamian proceedings") and in which Willow Investments Limited and Fasab Investments Limited have been joined as defendants.
- 3 Directions as to whether the Plaintiff should cause any of Willow Investments Limited, Fasab Investments Limited or Scirocco Limited to take any steps (and if



so, what steps) in relation to the Cayman proceedings and/or the Bahamian proceedings.

- 4 A direction that the legal costs and expenses incurred by or on behalf of the Plaintiff in relation to the Cayman proceedings or the Bahamian proceedings (including any costs of any other party which the Plaintiff may be ordered to pay) be paid out of the assets and property of the Trust.
- 5 In the event that the Court directs that the Plaintiff should cause any steps to be taken by any of Willow Investments Limited, Fasab Investments Limited or Scirocco Limited in relation to the Cayman proceedings or the Bahamian proceedings, a direction that the legal costs and expenses incurred by or on behalf of such companies (including any costs of any other party which those companies may be ordered to pay) be paid out of the assets and property of the Trust.
- 6 A direction that the Plaintiff and its officers be indemnified out of the assets and property of the Trust in respect of any liability loss or damage which they may suffer or incur in acting as directors of Willow Investments Limited, Fasab Investments Limited and Scirocco Limited.
- 7 A direction that the Plaintiff's fees incurred in providing officers to act as directors of Willow Investments Limited, Fasab Investments Limited and Scirocco Limited be paid out of the assets and property of the Trust.
- 8 A direction that the Plaintiff's costs of this application be paid out of the assets and property of the Trust.
- 9 All further and necessary directions and Orders.

10 Further or other relief.

**And LET** the Defendants within 14 days after service of this Summons on them respectively, counting the day of service, return the accompanying Acknowledgment of Service to be returned to the Courts Office

DATED 10th July 1995



*Hunter & Hunter*

Hunter & Hunter

Attorneys-at-Law for the Plaintiffs

**NOTES**

- (1) This Summons may not be served later than 6 calendar months beginning with the above date unless renewed by Order of the Court.
- (2) If a Defendant does not attend personally or by his attorney at the time and place above mentioned such Order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

This Summons was issued by Hunter & Hunter whose address for service is the Huntlaw Building, PO Box 190G, Grand Cayman, Cayman Islands, Attorneys-at-Law for the Plaintiff whose address is as set out above.