

IN THE GRAND COURT OF THE CAYMAN ISLANDS

778
CAUSE NO. OF 2003

IN THE MATTER OF a Declaration of Trust made on 3 April 1997 by Barclays Private Trust (BVI) Limited known as the Agil Trust ✓

AND IN THE MATTER of a Declaration of Trust made on 13 August 1999 by Barclays Private Bank & Trust (Cayman) Limited known as the Deer Isle Continuation Trust

AND IN THE MATTER of a Declaration of Trust made on 2 June 2000 by Barclays Private Bank & Trust (Cayman) Limited known as the Iris Trust

AND IN THE MATTER of a Declaration of Trust made on 1st November 2002 by Barclays Private Bank & Trust (Cayman) Limited known as the Bio Trust

AND IN THE MATTER of a Declaration of Trust made on 1st November 2002 by Barclays Private Bank & Trust (Cayman) Limited known as the Blue Hill Trust

AND IN THE MATTER of section 48 of the Trusts Law (2001 Revision)



BETWEEN:

BARCLAYS PRIVATE BANK & TRUST COMPANY (CAYMAN) LIMITED
Plaintiff

-and-

THE BENEFICIARIES OF THE ABOVE-NAMED TRUSTS
Defendants



ORIGINATING SUMMONS

LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, PO Box 495GT, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff, Barclays Private Bank & Trust (Cayman) Limited, whose address is 4th Floor, First Caribbean House, George Town, Grand Cayman, seeks the determination of the Court on the following questions, namely:

1. Directions as to whether the Trustee can disclose copies of the trust deeds of the abovementioned trusts to one discretionary beneficiary of the said trusts and if so, upon what terms;

2. Directions as to whether the Trustee can disclose additional information regarding the administration of the Trust to one discretionary beneficiary of the said trusts and if so, the extent of the information which may be disclosed and upon what terms;
3. All further and other directions as may be necessary; and
4. A direction that the Plaintiff be indemnified out of the funds held by it as Trustee of the said trusts in respect of all costs of and incidental to this application.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to them as the Court may think just and expedient.

DATED this 2nd day of December 2003

Walkers

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 Acknowledgement of Service are given with the accompanying form.

This Originating Summons was issued by Walkers, attorneys at law, of PO Box 265GT, Walker House, Mary Street, George Town, Grand Cayman on behalf of the Plaintiff, whose address for service is that of its said attorneys at law.

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CAUSE NO: OF 2003

BETWEEN:

BARCLAYS PRIVATE BANK & TRUST COMPANY (CAYMAN) LIMITED

Plaintiff

-and-

THE BENEFICIARIES OF THE ABOVE-NAMED TRUSTS

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.

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

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

yes

no

Service of the Originating Summons is acknowledged accordingly.

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

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 office 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.

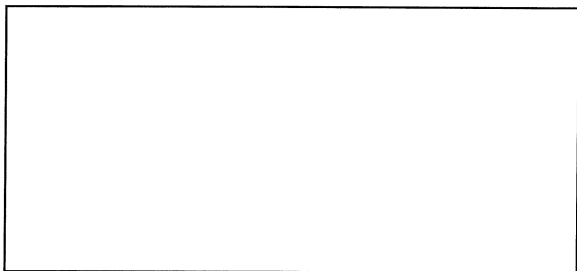
Please complete overleaf

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

Walkers
Attorneys-at-Law
P.O. Box 265 GT
Walker House, Mary Street
George Town, Grand Cayman

Ref: SC/B305-40810

Indorsement 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**

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.