

THE GRAND COURT OF THE CAYMAN ISLANDS

Fees Paid... 150
Receipt No. 306519
Date 5. 03. 04

CAUSE NO. 146 OF 2004

BETWEEN: GRUPO TORRAS S.A. PLAINTIFF
AND: LISMORE LIMITED 1ST DEFENDANT
WILLIAM FORKER 2ND DEFENDANT

WRIT OF SUMMONS

TO: LISMORE LIMITED
C/O Cayman National Trust Co. Ltd.
Cayman National Bldg., 4th Floor
Elgin Avenue
George Town, Grand Cayman

AND TO: WILLIAM FORKER
North Hill
[P.O. Box 1543]
Anguilla, West Indies



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff 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 Courts 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 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 judgment may be entered against you forthwith without further notice.

Issued this 5th day of March, 2004

NOTE:- This Writ 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 the date of issue unless renewed by Order of the Court.

IMPORTANT

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

INDORSEMENT

The Plaintiff's claim is for relief against the Defendants arising out of and/or is connected with the receipt by the 1st Defendant and/or the 2nd Defendant of the sum of US\$2,000,000 on or about 18th February 1997 and US\$1,500,000 on or about 21st February 1997 which sums were paid into the 1st Defendant's account (defined in the Statement of Claim as the "Lismore Account") held at the Geneva branch of Banque Cantonale de Geneve in Switzerland. The 2nd Defendant was at all material times a director of and bank signatory for the 1st Defendant and the beneficial owner of the Lismore Account.

AND THE PLAINTIFF CLAIMS: -

- (1) A declaration that it is entitled in equity to trace the sum of US\$3.5 million (the 'Proprietary Funds') into the hands of the 1st and/or 2nd Defendants; and/or
- (2) A declaration that the sum of US\$2,810,000 (representing the balance on the Lismore Account as at 27th June 2003) together with all profits, investment income, growth or interest earned thereon whilst the Proprietary Funds have been in the 1st and/or 2nd Defendant's hands are in equity the Plaintiff's property; and/or
- (3) An order that the 1st and/or 2nd Defendants forthwith transfer the sum of US\$2,810,000 to the Plaintiff; and/or
- (4) An account be taken by the Court as to the use or application of, and any profits, investment income, growth or interest earned on the sum of US\$3.5 million paid to the 1st and/or 2nd Defendant's in February 1997; and/or
- (5) An order that the 1st and/or 2nd Defendant's pay to the Plaintiff such sums or assets as are found to be due to the Plaintiff upon the taking of the account in (4) above; and/or

- (6) An order that the 1st and/or 2nd Defendant is liable to make restitution to the Plaintiff in the sum of US\$3.5 million, together with all income, growth or interest earned on the US\$3.5 million; and/or
- (7) Such other tracing and/or proprietary remedies and/or other equitable remedies as shall to the court seem just; and/or
- (8) Interest; and/or
- (9) Further or other relief; and/or
- (10) Costs.

Charles Adams, Ritchie + Duckworth

**CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFF**

This Writ of Summons was filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies.

BETWEEN:	GRUPO TORRAS S.A.	PLAINTIFF
AND:	LISMORE LIMITED	1 ST DEFENDANT
	WILLIAM FORKER	2 ND DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

Important. Read the accompanying Delay may result in judgment being direction and notes for guidance carefully entered against a Defendant whereby he before completing this form. If any may have to pay the costs of applying to set information required is omitted or given it aside. wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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

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

Yes No

2. 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 No

Service of the Writ is acknowledged accordingly

(Signed)
[Attorney] for
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 or principal office.

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

Charles Adams, Ritchie & Duckworth
PO Box 709
Mary Street, Zephyr House
George Town,
Grand Cayman

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

[Empty box for Defendant's Attorney indorsement]

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

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.