

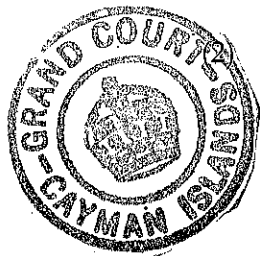
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 387 OF 2004

IN THE MATTER of a Settlement dated 7 March 1994 between Omar Megerisi (1)  
The Bank of Nova Scotia Trust Company Limited (2) and The Bank of Nova Scotia  
Trust Company (Bahamas) Limited (3)

BETWEEN: OMAR MEGERISI Plaintiff

AND: (1) SCOTIABANK & TRUST (CAYMAN) LIMITED



PROTEC TRUST MANAGEMENT ESTABLISHMENT Defendants

ORIGINATING SUMMONS



To: (1) SCOTIABANK & TRUST (CAYMAN) LIMITED  
P.O. Box 501 GT, Cardinal Avenue  
Grand Cayman, Cayman Islands, B.W.I.

(2) PROTEC TRUST MANAGEMENT ESTABLISHMENT  
(an establishment existing under the laws of Liechtenstein) of  
Heiligkreuz 6, 9490 Vaduz, Principality of Liechtenstein

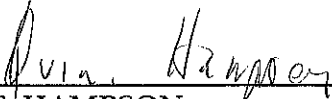
LET the Defendants (which are respectively the original sole trustee and the sole present trustee of the Settlement above mentioned) within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495 G, George Town, Grand Cayman.

BY this Summons, which is issued on behalf of the Plaintiff, OMAR MEGERISI of Oaklawn, Compton Avenue, Hampstead, London N6 4LB, the Plaintiff (who is the Settlor of the said Settlement) seeks the following relief, namely:

1. An Order that the Settlement made on 7<sup>th</sup> March 1994 between the Plaintiff of the first part the First Defendant (then known as The Bank of Nova Scotia Trust Company Limited), of the second part and The Bank of Nova Scotia Trust Company (Bahamas) Limited of the third part be rectified in the manner set out in the Schedule hereto (or in such other manner as the Plaintiff and the Defendants may agree and this Honourable Court may approve).
2. Such further or other relief as may be necessary and just.
3. That provision may be made for the costs of this application.

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

Dated the 23<sup>rd</sup> day of August 2004

  
\_\_\_\_\_  
QUIN & HAMPSON  
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 Acknowledgment of Service are given with the accompanying form.

## THE SCHEDULE

Rectification of the Settlement referred to in paragraph 1 of this Originating Summons by:

- A. Inserting therein "(1)" after the word "WHEREAS" in the recital.
- B. Inserting immediately after that recital the following additional recital namely "(2) The Settlor desires to transfer to the Original Trustees the assets specified in Part 2 of the First Schedule hereto".
- C. Inserting after clause 1.8 and before clause 2 the following heading and clause namely "ASSIGNMENT  
1A. The Settlor hereby assigns and transfers to the Original Trustees to be held by the Original Trustees absolutely and upon and subject to all the trusts powers and provisions of this Settlement the assets specified in Part 2 of the First Schedule hereto."
- D. Inserting in the First Schedule to the Settlement (i) between the words "(Original Settled Property)" and the words "Ten Pounds (E10)" the words "Part 1", and (ii) immediately after the words "Ten Pounds (£10)" the following words:

"The sums of Seven Million Nine Hundred and Fifty Thousand Pounds Sterling (£7,950,000) and Five Million Four Hundred and Thirty Four Thousand Six Hundred and Seventeen United States Dollars (US\$5,434,617) owed at the date of this Settlement to the Settlor by Garden Holdings Limited (a company incorporated under the laws of the Cayman Islands) (such sums being one third of the aggregate sums owed at the said date by Garden Holdings to the Settlor (1) Abubaker Megerisi (2) and Interfiducia Trust Reg (3) in equal shares)."

This Originating Summons was issued by Quin & Hampson, Attorneys-at-Law, for and on behalf of the Plaintiff, Third Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING 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 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 Summons 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 his 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.

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BETWEEN: OMAR MEGERISI Plaintiff

AND: (1) SCOTIABANK & TRUST (CAYMAN) LIMITED  
(2) PROTEC TRUST MANAGEMENT ESTABLISHMENT 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.**

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

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)  
 yes  no

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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 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.*

Quin & Hampson  
Attorneys-at-Law  
Harbour Centre, Third Floor  
P.O. Box 1348  
George Town  
Grand Cayman  
(Kenneth Farrow)

*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]