

IN THE GRAND COURT OF THE CAYMAN ISLANDS

367
CAUSE NO: OF 2005

BETWEEN ATC TRUSTEES (CAYMAN) LTD

APPLICANT

AND: ROTHSCHILD TRUST CAYMAN LIMITED

RESPONDENT



ORIGINATING SUMMONS

LET ALL PARTIES attend before the Judge in Chambers at the Grand Court, George Town, Grand Cayman on the th25th day of August 2005 at 9³⁰ a.m./p.m. for the hearing of an application by the Plaintiff for the following orders and/or directions:

1. That the Respondent transfer all of the assets of the Makar Trust and the Nomad Trust (the "Trusts") in their entirety to the Applicant forthwith.
2. That the Respondent not be entitled to any further indemnity than that which they have already been provided with by the Applicant.
3. That the Respondent allow Mr Mark Allison and a representative of the Applicant access to their premises in Bermuda for the purpose of inspecting and taking copies of the documents relating to the Trusts at a time convenient for all parties.
4. That the Respondent is not entitled to assert a lien over any of the Trust assets including the assets of the Nomad Trust which are currently held by AIG Life of Bermuda.
5. That the Respondent prepare accounts for the period from 1 January 2002 until the conclusion of their Trusteeship at no additional cost to the Trusts.

6. That the Respondent pay the Applicant's costs of this Originating Summons.

AND LET THE RESPONDENT within 14 days after service of this Summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office.

DATED this 11th day of August 2005



CAMPBELLS
ATTORNEYS FOR THE APPLICANT

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 the Order of the Court.

IMPORTANT

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

This Originating Summons was issued by Campbells, Attorneys-At-Law for the First Defendant, whose address for service is that of its Attorneys-At-Law, Fourth Floor, Scotiabank Building, P.O. Box 884GT, George Town, Grand Cayman, Cayman Islands, B.W.I. (ref: JRM/MPC)

BETWEEN:

ATC TRUSTEES (CAYMAN) LTD

APPLICANT

AND:

ROTHSCHILD TRUST CAYMAN LIMITED

RESPONDENT

**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 Respondent by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Respondent 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

[Respondent in person]

Address for service:

Notes on address for service

Attorney: where the Respondent is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Respondent may not act by a foreign attorney.

Respondent in person: where the Respondent 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.

Campbells
Attorneys-at-Law
P.O. Box 885 GT
4th Floor Scotiabank Building
George Town, Grand Cayman

Ref:

Indorsement by Respondent's Attorney (or by Respondent 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.