

IN THE GRAND COURT OF THE CAYMAN ISLANDS

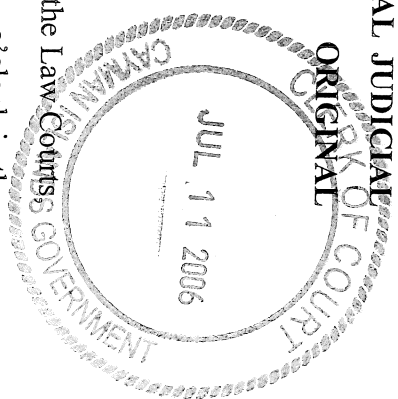
CAUSE NO. *287* OF 2006



IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) CAYMAN ISLANDS ORDER 1978

AND IN THE MATTER OF A REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FROM THE NATIONAL COURT OF ORIGINAL JURISDICTION IN CIVIL MATTERS, ARGENTINE REPUBLIC.

ORIGINATING SUMMONS



LET ALL PARTIES concerned attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the        day of        2006 at        o'clock in the forenoon upon an application by the Attorney General for the following orders that;

1. Messrs. G. James Cleaver and H Jonathan Kahlberg, of Ernest & Young Restructuring Ltd. located at P.O. Box 1102GT, Bermuda House, 4<sup>th</sup> Floor, British American Centre, Dr. Roy's Drive, Grand Cayman, Cayman Islands be summoned to attend upon the Courts to be examined by the Clerk of the Courts concerning accounts held by Carlos Eduardo Jones at Trade & Commerce Bank, now in liquidation.
2. Messrs. Cleaver and Kahlberg are to inform the Clerk of Courts whether:-
  - a) Carlos Eduardo Jones was the holder of a bank account No. 6711 with Trade & Commerce Bank or any other account number;
  - b) The name of the account holder of such accounts and signature regime (primary or joint holders or authorized individuals) and in the case of main accounts what percentage Mr. Jones held;
  - c) In addition, accounts/ statement and transactions from 1 January 2001 until the date that the letters rogatory are answered;

- d) The measures taken by Mr. Jones or other primary or authorised account holders to obtain acknowledgment by the liquidators or any other proceeding in connection with the account(s).
3. The Clerk of the Courts shall examine and record the answers from Messrs. Cleaver and Kahlberg regarding the questions listed in Schedule A as far as it is within their knowledge or where it is possible that they can access the information.
4. The Clerk of the Courts is directed to return to the National Court of Original Jurisdiction in Civil Matters of the Federal District, Argentine Republic. The necessary information is to be conveyed through The Embassy of the Argentine Republic, 65 Brook Street, London, W1K 4AH, England. The material to be included:
  - a) The Letters Rogatory
  - b) Certified documents evidencing the deposition/statement of Messrs. G. James Cleaver and H. Jonathan Kahlberg, of Ernest & Young Restructuring Ltd., liquidators appointed by the intervening judge in Trade & Commerce Bank (currently under liquidation proceedings).
5. Such other orders and directions as the court deems fit.

Dated this *10<sup>th</sup>* day of *July*, 2006

  
\_\_\_\_\_  
**G.M. M. JOHNSON**  
**SENIOR CROWN COUNSEL**

TO: **The Clerk of the Courts**

TIME ESTIMATED: The estimated length of the hearing of this summons is fifteen (15) minutes.

This summons is issued by the Government Legal Department whose address for service is The Ground Floor, Ansbacher Building, Dr. Roy's Drive, P.O. Box 907, George Town, Grand Cayman.

**Schedule "A"**

**Questions to be asked on Examination of Messrs G. James Cleaver and**

**H. Jonathan Kahlberg.**

1. Did Carlos Eduardo Jones hold a bank account, number 6711, with Trade & Commerce Bank (currently under liquidation proceedings) or under any other number?
2. What is/are the name(s) of the account holder of such account(s) and signature regime (primary or joint holders or authorized individuals) and in the case of main account holders, what is the holding percentage?
3. What measures have been taken by Mr. Jones or other primary or authorized accounts holders to obtain acknowledgment by the liquidators or any other proceeding in connection with the account(s)?

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AFFIDAVIT

I, **GAIL M. JOHNSON**, Attorney-at-law, c/o P.O. Box 907GT, George Town, Grand Cayman, **MAKE OATH** and **SAY** as follows:

1. That I am a Crown Counsel at the Cayman Islands Government Legal Department and I make this affidavit in support of the application herein by the Attorney General and pursuant to Order 70, Rule 3 of the Grand Court Rules.
2. That the facts deposed to herein are within my own knowledge true and correct except where otherwise stated to be on information and belief.
3. That on or around the 29<sup>th</sup> of March 2006 a request was received from the National Court of Original Jurisdiction in Civil Matters No.107 of the Federal District, Argentine Republic (hereinafter referred to as the "Requesting Court"). The request was made by Diego Alberto Ibarra, in his capacity as National Judge of the Court of Original Jurisdiction in Civil Matters, in charge of Civil Court No. 107.

4. The Requesting Court seeks the assistance of the judicial authorities of the Cayman Islands in relation to civil proceedings which have commenced in the said Court in the matter of “*Jones Carlos Eduardo on/Inheritance (Jones, Carlos Eduardo s/Sucesion Ab-intestato)*”

5. That the request is as follows:

That Messrs G. James Cleaver and H. Jonathan Kahlberg, of Ernst & Young Restructuring Ltd, P.O. Box 1102GT, Bermuda House, 4<sup>th</sup> Floor, Dr. Roy’s Drive, Grand Cayman, Cayman Islands, appointed as Liquidators of Trade and Commerce Bank, provide information regarding the decedent, Carlos Eduardo Jones, whether:

- a) He held a bank account with Trade and Commerce Bank (currently under liquidation proceedings) under No.6711 or under another number;
  - b) Name of the account holder of such account(s) and signature regime (primary or joint holders or authorized individuals) and in the case of main account holders, holding percentage;
  - c) Account(s) statements and transactions as of the 1 January 2001 to the date that the letter of request is answered;
    - a. The measures taken by the decedent or other primary or authorised account holder(s) to obtain acknowledgement by the liquidators or any other proceeding in connection with the account(s).
6. That I exhibit hereto the *Letters Rogatory Spanish version and English translation version* as **EXHIBIT** labelled “**GMI1**”.

7. That in light of the foregoing, the Applicant is respectfully seeking the Order as set out in the Summons attached hereto.

Sworn to at George Town

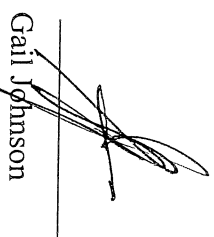
Grand Cayman,

This <sup>10<sup>th</sup></sup> day of July, 2006

Before me



~~Clerk of the Court~~ Justice of the Peace  
**Yasmin Ebanks**  
Justice of the Peace



Gail Johnson

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