

Case No. 54/06

IN THE GRAND COURT OF THE CAYMAN ISLANDS
IN THE MATTER OF THE SUCCESSION LAW (2006 REVISION)

AND IN THE MATTER OF THE ESTATE OF CROSBY OLIVER EDEN
(DECEASED)

BETWEEN:



CROSBY EDEN



Petitioner

-and-

KATHLEEN EDEN

First Respondent

LEONIE EDEN EBANKS

Second Respondent

PETITION

TO: The Grand Court of the Cayman Islands

THE HUMBLE PETITION of Crosby Eden of PO Box 116, Grand Cayman KY1-1501, CAYMAN ISLANDS shows that:

1. Crosby Oliver Eden ("the Deceased") died intestate on 11 September 1989.
2. The First Respondent is the widow of the Deceased.
3. Letters of administration were granted to the First Respondent in respect of the estate of the Deceased on 24 October 1990 ("the Grant").

4. The Second Respondent is the surety required pursuant to section 19 of the Succession Law (2006 Revision) (“the Law”) for collecting, getting in and administering the estate of the deceased.
5. References to sections in the Law shall mean references to the equivalent Sections in any earlier revisions of the Law applicable at the material time.
6. The Petitioner is one of the children of the Deceased and is beneficially entitled to the estate of the Deceased pursuant to Section 29 of the Law.
7. The residuary estate of the Deceased included his interest in real estate and personal estate in the Cayman Islands (“the Estate”).
8. By virtue of the Grant the Estate of the Deceased became vested in the First Respondent.
9. The First Respondent thereafter held the assets comprised within the Estate on the terms of the statutory trusts set out in Section 30 of the Law.
10. The First Respondent was obliged under Section 7 of the Law to file estate accounts with the Clerk of the Court by 24 October 1991 showing the receipts and distributions of the Estate of the Deceased duly supported by affidavit.
11. The First Respondent has been guilty of neglect or misconduct. The best particulars of such misconduct which the Petitioner can give prior to the filing of proper estate accounts and/or discovery herein are set out below:
 - (1) The First Respondent failed to file estate accounts in accordance with Section 7 of the Law at any time since 1991 and despite requests has refused to remedy her failure to do so;

- (2) In breach of trust and/or fiduciary duty the First Respondent failed to secure and/or realise property or interests in property comprised within the Estate. In particular:
 - (i) The First Respondent transferred real properties comprised within the Estate into her own name or, to other members of her family;
 - (ii) The First Respondent allowed certain transfers executed in blank by the Deceased prior to his death to be used after his death to effect transfers of properties comprised within the Estate;
 - (iii) The First Respondent has allowed land comprised within the Estate to be used by other members of her family for no proper rent or other consideration.
 - (3) A substantial number of properties or interests in properties comprised within the Estate were sold by the First Respondent but she has failed to keep the proceeds thereof separate and/or improperly allowed the proceeds thereof to be mixed with her own funds.

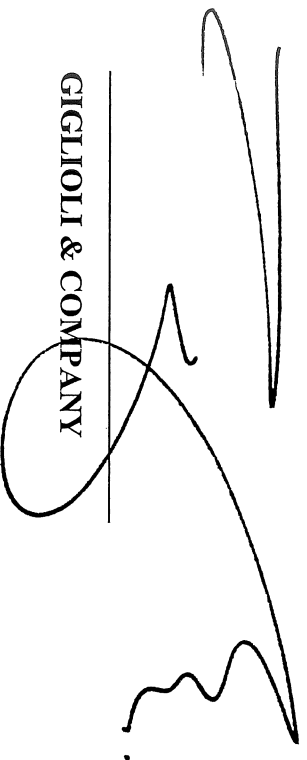
The Petitioner therefore prays as follows:

1. That the First Respondent be required to file estate accounts showing the receipts and distributions of the Deceased's Estate and her dealings with any property comprised within the Estate
2. That the First Respondent be required to file an affidavit supporting such account and producing the relevant supporting receipts, bank statements and other records.
3. That the First Respondent pay into Court all funds forming part of the Deceased's Estate held by her.

4. That the First Respondent be removed as administrator of the Estate and Genesis Trust Company in her place pursuant to Section 8 of the Law.
5. That the costs of presenting this Petition shall be paid by the First Respondent failing which the Second Respondent.
6. That the Court make such further alternative orders, accounts and inquiries as the Court thinks fit.

And your Petitioners will ever pray

Dated the 14th day of December 2006



GIGLIOLI & COMPANY

Note: This Petition is intended to be served on Kathleen Eden of Savannah, Grand Cayman and Leonie Eden Ebanks of George Town, Grand Cayman.

DATE: 9th February 2007
TIME: 10:00 a.m.