

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 552 OF 2006

IN THE MATTER OF SECTION 48 TRUST LAW (2001 REVISION)  
AND IN THE MATTER OF A SETTLEMENT KNOWN AS THE ARSA TRUST AND  
DATED 15 APRIL 1982

BETWEEN: (1) ANTONIO ENRIQUE SANCHEZ de LOZADA

PLAINTIFF

AND



- (1) HARBOUR TRUST CO. LTD.
  - (2) GONZALO DANIEL SANCHEZ de LOZADA
  - (3) IGNACIO M. FONCILLAS
  - (4) JAVIER SANCHEZ de LOZADA
- DEFENDANTS

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ORIGINATING SUMMONS

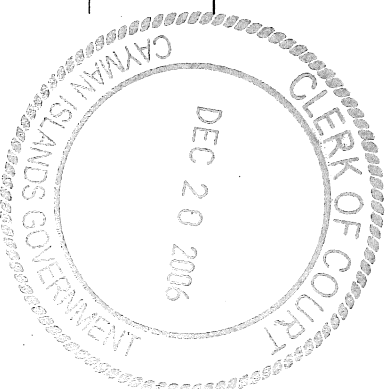
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To: The Defendants:

GONZALO DANIEL SANCHEZ de LOZADA of Petromina Management LLC,  
919 18<sup>th</sup> Street NW, Washington, DC 20006-5503, USA;

IGNACIO M. FONCILLAS of Petromina Management LLC, 919 18<sup>th</sup> Street NW,  
Washington, DC 20006-5503, USA; and

JAVIER SANCHEZ de LOZADA c/o Hogan & Hartson LLP, Columbia square, 555  
Thirteenth Street, NW, Washington, DC 20004, USA



**LET THE DEFENDANTS**, 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, PO Box 495GT, George Town, Grand Cayman.

By this Originating Summons, which is issued on the application of **ANTONIO ENRIQUE SANCHEZ de LOZADA** of Avenida Americo Vespucio N° 646, Depto. 151, Las Condes, Santiago, Chile, the Plaintiff herein seeks the following relief namely:

1. That it may be determined, upon the true construction of the Trust Deed of the Arsa Trust ("the Trust") made on 15 April 1982 between the Plaintiff and the Second Defendant on the one hand, and Guarda Corporation S.A. on the other hand:
  - 1.1 Whether the powers of the Management Committee, constituted by the Trust Deed, to direct the Trustee as to the sale and disposition of shares in Andean Resources S.A. ("Arsa"), the entire issued share capital in which is comprised in the trust fund of the Trust, include a power to direct the Trustee to liquidate that company.
  - 1.2 If the answer to the question in 1.1 above is in the affirmative, whether the Management Committee's decision to direct such liquidation (which would have the effect of causing the Trust to determine) requires unanimity or may be reached by majority.
  - 1.3 Whether the nature of the powers of the Management Committee are (i) personal, (ii) fiduciary or (iii) hybrid.
  - 1.4 Whether the exercise by the Management Committee of its powers would be invalid if tainted by (i) irrationality, (ii) absence of good faith or (iii) impropriety of the majority's purpose.

2. Further or other relief.
3. That an order be made for the costs of this application.

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

Dated this 19<sup>th</sup> day of December 2006.



**Maples and Calder**  
**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.**

This Originating Summons was issued by Maples and Calder, Attorneys-at-Law for the Plaintiff whose address for service is PO Box 309GT, Ugland House, South Church Street, George Town, Grand Cayman, Cayman Islands (Ref: ZZR/617582-01)

**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 495GT, 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.



**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 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.

Maples and Calder  
Attorneys-at-Law  
PO Box 309GT,  
Ugland House  
South Church Street,  
George Town  
Grand Cayman,  
Cayman Islands  
  
Ref: ZZR/617582

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