

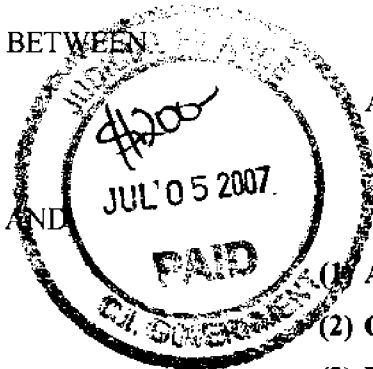
IN THE GRAND COURT OF THE CAYMAN ISLANDS

50286/07  
CAUSE NO: OF 2007

IN THE MATTER of the CHEMSA TRUST

AND IN THE MATTER of Section 48 of the Trusts Law (2001) Revision

BETWEEN



ANSBACHER AG



Plaintiff

AND

- (1) ALAN CROSSLEY  
(2) CHRISTIAN MAUGEIN  
(3) EMMANUELLE MAUGEIN  
(4) SANDRINE MAUGEIN  
(5) PETRA MAUGEIN  
(6) NICOLAS CAMP  
(7) RATHBONE TRUSTEES LIMITED

Defendants

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**ORIGINATING SUMMONS**

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**LET THE DEFENDANTS** attend before the Judge in Chambers at the Law Courts George Town, Grand Cayman on the            day of            2007 at            am/pm upon the hearing of an application by Ansbacher AG of PO Box 2071, Muhlebachstrasse 38, CH-8032, Zurich, Switzerland, for the following declarations and/or directions: -

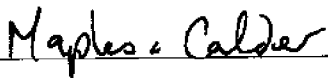
- 1 whether the First Defendant, Alan Crossley, was validly made a beneficiary of the Chemsal Trust ("the Trust") by virtue of a Deed of Appointment executed by him on 5 December 2006;
- 2 whether the amendment contained in a Deed of Amendment dated 20<sup>th</sup> April 2007 which modified the definition of 'Disability' is valid;
- 3 whether the Deed dated 15<sup>th</sup> June 2007 validly and effectively removed the Plaintiff as Trustee of the Trust and appointed the Seventh Defendant as Trustee in its place;
- 4 whether the First Defendant is under a legal Disability within the meaning of Schedule IX clause 6 and 7 of the Trust Deed;
- 5 Subject to and pending a further order herein that:-
  - 5.1 The Plaintiff be authorised and directed to administer the said Trust in accordance with its terms and to reimburse itself from time to time for so doing and to pay all costs and expenses incurred by it out of the assets of the Trust, including the underlying companies, see below at 5.2;
  - 5.2 The Plaintiff be authorised to cause directors of companies directly or indirectly owned by the Trust to make provision for the payment to the Plaintiff of such sums as the Plaintiff shall from time to time consider necessary to meet such costs expenses and reimbursements;
  - 5.3 The Plaintiff be authorised at the expense of the Trust to retain attorneys in these proceedings;
  - 5.4 The Plaintiff be authorised to raise finance and increase the liquidity of the Trust Fund by way of loan or loans in the total sum of EUR1.5m;

- 5.5 The Plaintiff be authorised to guarantee out of the Trust Fund, or cause one of the Trust's underlying companies to guarantee out of its assets, a direct loan being made to one of its beneficiaries, Petra Maugein, by Ansbacher & Co Ltd for the sum of EUR1.5m;
- 6 that directions may be given as to what if any and in what circumstances distributions may be made by the Plaintiff in accordance with the terms of the Trust;
- 7 that provision be made for the Plaintiff's costs of these proceedings;
- 8 such further or other directions as the court thinks fit.

**AND LET THE DEFENDANTS** within 28 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service form to the Courts Office, P.O. Box 495GT, Grand Cayman.

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 the *5<sup>th</sup>* day of July, 2007.

  
\_\_\_\_\_  
**MAPLES and CALDER**

TO: The Clerk of the Court

- AND TO:
- (1) Alan Crossley of Avenida de Montecillo, 4 Fuente El Fresno, San Sebastian de los Reyes, 28708 Madrid
  - (2) Christian Maugein of 9 Rue de Chanaleilles 75007 Paris, France
  - (3) Emmanuelle Maugein of 12 Rue Vauvilliers 75001 Paris France

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- (4) Sandrine Maugein of 9 Rue de Chanaleilles 75007 Paris, France
  - (5) Petra Maugein of 9 Rue de Chanaleilles 75007 Paris, France
  - (6) Nicolas Camp of Le Pré Carré 17, 84100 Orange France
  - (7) Rathbone Trustees Limited of PO Box 986, The Geneva Place, 3<sup>rd</sup> Floor, Road Town, Tortola, BVI

TIME ESTIMATE: The estimated length of the first hearing of this summons is half a day.

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 for the Plaintiffs, whose address for service is Uglan House, South Church Street, George Town, Grand Cayman, Cayman Islands. (reference 630516-01 AJJ/11786521)

## 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.

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**IN THE MATTER of the CHEMSA TRUST**

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**BETWEEN**

**ANSBACHER AG**

Plaintiff

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- (7) RATHBONE TRUSTEES LIMITED**

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 or otherwise participate in 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:

Dated: July 2007

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: AJJ/630516/11786521

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