

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 221 OF 2007

BETWEEN:

**GLOBAL FIXED INCOME LIMITED (in liquidation) (formerly "Global
Currency Portfolio Fund Limited")**

PLAINTIFF

AND

**HSBC FINANCIAL SERVICES (CAYMAN) LIMITED (formerly "Midland
Bank Trust Corporation Limited")**

DEFENDANT

AMENDED WRIT OF SUMMONS

**TO: HSBC FINANCIAL SERVICES (CAYMAN) LIMITED
P.O. Box 1109, George Town, Grand Cayman
Cayman Islands
British West Indies**

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this 20th day of September 2007.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

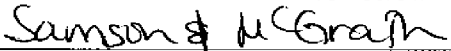
BRIEF DETAILS OF CLAIM

1. The Plaintiff is a Cayman Islands Company which was placed in liquidation on 1 July 2004. The Plaintiff's registered office is at P.O. Box 2499 GT, Elizabethan Square, Shedden Road, George Town, Grand Cayman KYI-1104, Cayman Islands.
2. Pursuant to custody agreements entered into between the Plaintiff and the Defendant's former incarnation dated 6 October 1997, and the Defendant dated 28 November 2000 (together "the Custody Agreements"), the Defendant agreed to act as custodian of the assets of the Plaintiff. The Plaintiff claims damages for breach of contract and/or negligence arising in respect of the Defendant's and/or the Defendant's former incarnation's obligations and duties contained in the Custody Agreements.
3. The Defendant is and was at all material times a trustee and/or fiduciary in respect of such assets as transferred to it to hold as custodian

AND THE PLAINTIFF claims:

- (1) Damages in an unliquidated amount for breach of contract and/or negligence
- (2) Repayment and/or return of all property held in trust and/or as a fiduciary.
- (3) Interest pursuant to s.34 of the Judicature Law (2004 Revision)
- (4) All necessary consequential orders, accounts and inquiries
- (5) Costs
- (6) Further or other relief

STATEMENT OF CLAIM to follow


Samson & McGrath
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Samson & McGrath, Third Floor, Genesis Building, George Town, Grand Cayman, P.O. Box 446 GT KYI-1106, Cayman Islands, British West Indies.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

1. 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.
2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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. 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.
3. 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 Writ of Summons)".
4. 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.
5. 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 a ()" after his name.
6. 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.
7. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A defendant acting in person may obtain help in completing the form at the Courts Office.

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**ACKNOWLEDGMENT OF SERVICE
OF AMENDED WRIT OF 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. Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant(s) by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (*tick where appropriate*)
 yes no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)
 yes no

Service of the Writ is acknowledged accordingly

(Signed) _____
[Attorney] for
[Defendant in person]
Address for service:

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 box number and the physical address of his residence or, if the 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.

<p>Samson & McGrath Third Floor Genesis Building George Town Grand Cayman P.O. Box 446 GT KYI-1106 Cayman Islands British West Indies</p>
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

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