

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 208 OF 2007

IN THE MATTER OF A DEED OF SETTLEMENT MADE ON 5 JUNE 1991 BETWEEN PAUL LEHNER & ORS (WHICH IS KNOWN AS "THE PATERMANN FOUNDATION")

AND IN THE MATTER OF: SECTION 48 OF THE TRUST LAW (2001 REVISION)

BETWEEN: (1) JULIUS BAER TRUST COMPANY  
(CAYMAN) LTD  
(2) JULIUS BAER BANK & TRUST COMPANY  
LTD

PLAINTIFFS

AND:

(1) PETER GEORGE JAMES SCHICHT  
(2) AMELIA MARY SCHICHT  
(3) LAURA HELENA SCHICHT  
(4) ANDREA MARY LOUISE RYDE  
(5) KATHERINE EMILY RYDE  
(6) JAMES EDWARD RYDE  
(7) ANNABELLE CATHERINE LORAIN SMITH  
(8) EMMA ANNE LORAIN SMITH  
(9) HARRIET RACHEL LORAIN SMITH  
(10) CAROLINE ALEXIUS HILL  
(11) ROSANNA ALEXIUS HILL  
(12) THE ATTORNEY GENERAL OF THE  
CAYMAN ISLANDS

DEFENDANTS



**AMENDED ORIGINATING SUMMONS**

LET THE DEFENDANTS, within 28 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 495, George Town, Grand Cayman KY1-1106.

By this Originating Summons, which is issued on the application of Julius Baer Trust Company (Cayman) Ltd and Julius Baer Bank and Trust Company Ltd c/o Walkers 87 Mary Street, George Town Grand Cayman KY1-9001 ("the Trustees") pursuant to Section 48 of the Trusts Law (2001 Revision) and/or the inherent jurisdiction of the Court, the Trustees seek the following relief, namely:

1. a declaration as to whether the Trustees have power to make payments and/or applications of the income of the Trust Fund to spouses of the members of the Specified Class pursuant to clause 5 of the Trust Deed; and

2. a declaration as to whether the Trustees have power to make loans to spouses of members of the Specified Class pursuant to clause 15 of the Trust Deed
3. a declaration as to whether the Trustees have power to confer on themselves a power to the same effect under clause 22 of the Trust Deed
4. an order that the Trustees have permission to make payments of income and/or loans to spouses of members of the Specified Class pursuant to the foregoing powers
- ~~4A. permission to execute a deed of advancement substantially in the form of a draft deed of advancement to be submitted to the court by the Plaintiffs~~
- ~~4B. permission to administer the Trust Fund on the footing that that the said deed takes effect according to its terms~~
5. such representation orders as the Honourable Court may think fit providing for the representation of those persons who are or may be interested under the trust who are not otherwise represented before the court
6. an Order making provision for the costs of this application to be paid out of the Trust Fund or otherwise as the Court may direct; and
7. further or other relief.

DATED the 20<sup>th</sup> day of September, 2007.

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**WALKERS**  
Attorneys at Law for the Plaintiff

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

**NOTE** - This Originating Summons may not be served later than 4 calendar months (or, if leave is required to effect Notice 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 Walkers, Attorneys at Law, Walker House, 87 Mary Street, George Town, Grand Cayman KY1-9001, for the Plaintiffs whose address for service is care of their said Attorneys at Law.