

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. <sup>0621</sup> OF 2007

IN THE MATTER of a Settlement made by Gerald Morley Hechter on 14 December 1982 (the "Settlement") as varied by an Arrangement approved by Order of the Grand Court made on 2 December 1987 and as further varied by an Arrangement approved by an Order of the Grand Court made on 7 August 1990

AND IN THE MATTER of Section 72 of the Trusts Law (2007 Revision)

BETWEEN:

- (1) MAXINE BASS
- (2) RICHARD HECHTER BASS

-and-

- (1) AGNES HECHTER
- (2) BRYAN JASON BASS
- (3) MATTHEW CORIE BASS
- (4) ROYAL BANK OF CANADA TRUST COMPANY (CAYMAN) LIMITED

*Defendants*



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ORIGINATING SUMMONS

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LET AGNES HECHTER c/o Walkers, Walker House, Mary Street, George Town, Grand Cayman, Bryan Jason Bass and Matthew Corie Bass, both c/o Conyers Dill & Pearman, Cricket Square, George Town Grand Cayman and Royal Bank of Canada Trust Company (Cayman) Limited of P.O Box 1586, 24 Shedden Road, George Town, Grand Cayman KY1-1110, Cayman Islands attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on 20 December 2007 at 10.00 am on the hearing of an application by the Plaintiffs, MAXINE BASS and RICHARD HECHTER BASS, both c/o Mourant du Feu & Jeune, for the following relief:

1. An Order of the Court approving on behalf of all unborn and unascertained beneficiaries of the Settlement an arrangement varying the trusts of the Settlement in the terms of a draft minute of

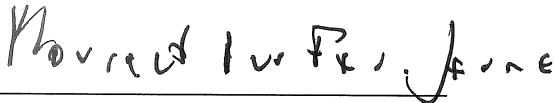
order which the Plaintiffs intend to exhibit to an affidavit to be sworn on behalf of the Plaintiffs herein or such other terms as the Court may think fit;

2. An Order making provisions for the costs of this application to be as provided in the said minute of order or in such other terms as the Court thinks fit;
3. Such further or other relief 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 Acknowledgement of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman, Cayman Islands.

DATED this 19<sup>th</sup> day of December 2007

FILED this 19<sup>th</sup> day of December 2007



Mourant du Feu & Jeune

Attorneys at Law for the Plaintiffs

**NOTES:-**

1. 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 the above date unless received by Order of the Court.

2. If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such Order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for acknowledgment of service are given with the accompanying form.

**TO:** The Clerk of the Court

**AND TO:** Walkers

Attorneys for the First Defendants

**AND TO:** Conyers Dill & Pearman

Attorneys for the Second and Third Defendants

**AND TO:** Appleby

Attorneys for the Fourth Defendant

**TIME ESTIMATE:** The estimated length of the hearing of this application is 2 hours.

This Summons was issued by Mourant, Attorneys-at-Law, for and on behalf of the Plaintiffs whose addresses for service is that of their said Attorneys-at-Law, Third Floor, Harbour Centre, P.O. Box 1348, Grand Cayman KY1-1108, Cayman Islands (Ref. [            ]).

## **DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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, PO Box 495 GT, George Town, Grand Cayman KY1-1104.

### **Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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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**AND IN THE MATTER of Section 72 of the Trusts Law (2007 Revision)**

**BETWEEN:**

- (1) MAXINE BASS**
- (2) RICHARD HECHTER BASS**

*Plaintiffs*

**-and-**

- (1) AGNES HECHTER**
- (2) BRYAN JASON BASS**
- (3) MATTHEW CORIE BASS**
- (4) ROYAL BANK OF CANADA TRUST COMPANY  
(CAYMAN) LIMITED**

*Defendants*

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**ACKNOWLEDGMENT OF  
SERVICE OF ORIGINATING  
SUMMONS**

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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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged:

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

YES NO

Service of the Originating Summons is acknowledged accordingly

Date: [ ] [ ] [ ]

200[ ] [ ]

Attorneys for [Defendant]

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 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 or principal office.

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

Mourant du Feu & Jeune  
PO Box 1348  
Harbour Centre, Third Floor  
Grand Cayman KY1-1108  
Cayman Islands

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