

AMENDED PURSUANT TO ORDER 20 RULE 1 OF THE GRAND COURT RULES  
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 0497 OF 2008

IN THE MATTER OF THE TSE'S OVERSEAS FAMILY TRUST NO. 2

BETWEEN:

(1) DR. JACK TSE  
(2) MRS ANDREA TSE

Plaintiffs

AND:

(1) STEVEN HENDERSON  
(2) LAURENCE CAROE

Defendants

AMENDED ORIGINATING SUMMONS

TO: STEVEN HENDERSON of PO Box 30496 SMB, Grand Cayman, Cayman Islands

AND

TO: LAURENCE CAROE of P.O. Box 257, Town Centre Building, Town Centre,  
Providenciales, Turks & Caicos Islands

LET THE DEFENDANTS, within 14 days after service of this Amended Summons on them, counting the day of service, return the accompanying Acknowledgments of Service to the Courts Office, P.O. Box 495, George Town, Grand Cayman.

By this Amended Summons, which is re-issued on the application of DR. JACK TSE and Mrs Andrea Tse of 4307, Village Centre Court, Ste. 100, Mississauga, Ontario, L4Y 1B8, Canada, the Plaintiffs claims against the Defendants the following relief:

1. A declaration that the appointment by the First Defendant of the Second Defendant as Trustee of the Tse's Overseas Family Trust No.2 ("The Trust") in place of the First Defendant is void and of no effect;
2. A declaration that the removal of the Plaintiff from the class of beneficiaries of the Trust is void and of no effect, or alternatively an Order that such removal should be set aside and the Plaintiff be reinstated as sole beneficiary;
3. A declaration that any appointment made by the Trustee of the Trust of any beneficiary other than the Plaintiffs to the class of beneficiaries is void and of no effect, or alternatively an Order that such appointment should be set aside.
4. A declaration that the change of jurisdiction of the Trust from that of the Cayman Islands to that of the Turks & Caicos Islands is void and of no effect, or alternatively an Order that such change of jurisdiction be set aside and the jurisdiction of the Trust revert to that of the Cayman Islands;
5. A declaration that the change of governing law of the Trust from that of the Cayman Islands to that of the Turks & Caicos Islands is void and of no effect, or alternatively an Order that such change of governing law be set aside and the governing law of the Trust revert to that of the Cayman Islands;
6. An Order that the First Defendant, or, in the alternative to paragraph 1 above, the Second Defendant, be removed as Trustee of the Trust and that a Cayman Islands institutional trustee, approved by the Court, be appointed as sole trustee;
7. ~~Further, or alternatively, an Order for the appointment of some fit and proper person or persons as Receiver of the Trust to have all the powers of the Trustee of the Trust and all such other powers as the Court may think fit, to make such enquiries, investigations, and to take such steps, as the Court may think fit, for the purpose of getting in and preserving the value of the assets of the Trust.~~

7. 8. The costs of this Amended Summons be paid by the Defendants, to be taxed on the indemnity basis.

If a Defendant does not acknowledge service, such judgment may be given or order made against or in relation to it as the Court may think just and expedient.

Dated the 22<sup>nd</sup> day of October 2008

Re-dated this 17<sup>th</sup> day of February 2009

*Ogier*  
Ogier  
Attorneys for the Plaintiff

NOTE - This Amended 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 Amended Originating Summons was issued by Ogier, Attorneys-at-Law for the Plaintiff, whose address for service is 3<sup>rd</sup> Floor, Queensgate House, 113 South Church Street, P.O. Box 1234, George Town, Grand Cayman KY1-1108, Cayman Islands (Ref: 420641.00001/CR)

**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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B E T W E E N:

(1) DR. JACK TSE  
(2) MRS ANDREA TSE

Plaintiffs

- and -

(1) STEVEN HENDERSON  
(2) LAURENCE CAROE

Defendants

**ACKNOWLEDGMENT OF SERVICE**  
**OF AMENDED 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.

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Attorney for the 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 principal office.

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

Ogier  
Attorneys-at-Law  
P.O. Box 1234  
Grand Cayman KY1-1108  
Cayman Islands  
(Reference: 420641.00001/CR/RR)

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