



IN THE GRAND COURT OF THE CAYMAN ISLANDS **337** of 2008
CASE No.

IN THE MATTER of the Declaration of Trust dated 11 May 2007 and made by Kaszony Trustees Limited

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

BETWEEN:

GEORG HEINRICH THYSSSEN-BORNEMISZA

Plaintiff

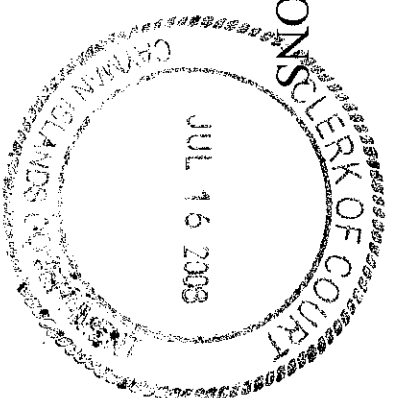
AND:

(1) KASZONY TRUSTEES LIMITED

(2) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

Defendants

ORIGINATING SUMMONS



TO: Kazony Trustees Limited
c/o Mailand Group
Grand Cayman
Cayman Islands

AND TO: The Attorney General of the Cayman Islands
Attorney General's Chambers
4th Floor, Government Administration Building
George Town
Grand Cayman
Cayman Islands

LET THE DEFENDANTS Kazony Trustees Limited and the Attorney General of the Cayman Islands within 28 days after service of this Originating Summons on them, counting the day of service, return the accompanying acknowledgment of service to the Court Office, the Law Courts, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

BY THIS ORIGINATING SUMMONS which is issued on the application of the Plaintiff Georg Heinrich Thyssen-Bornemisza of 29 Boulevard Princesse Charlotte, BP 89, Monaco MC 98007, who is a beneficiary of the said Declaration of Trust, against the Defendants (whose addresses are given above and who in the case of the 1st Defendant is the sole trustee of the said Declaration of Trust and in the case of the 2nd Defendant is joined to represent charity which is interested under the said Declaration of Trust), the Plaintiff seeks the following relief:-

- (1) an order of the Court approving on behalf of all unborn and unascertained beneficiaries of the said Declaration of Trust an arrangement varying the trusts of the said Declaration of Trust in the terms of a draft minute of order which the Plaintiff intends to exhibit to an affidavit to be sworn by the Plaintiff herein or in such other terms as the Court may think fit;
- (2) an order making provision for the costs of this application to be as provided in the said draft minute of order or in such other terms as the Court thinks fit;
- (3) such further or other relief as the Court thinks fit.

Dated 15th July 2008



Bodden & Bodden
Attorneys for the Plaintiff

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

NOTE: This Originating Summons may be served not 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 forms.

THIS ORIGINATING SUMMONS was issued by Bodden & Bodden, attorneys for the Plaintiff, whose address for service is that of his said attorneys, namely: Grand Pavilion Commercial Centre, 802, West Bay Road, PO Box 10335, Grand Cayman KY1-1003, Cayman Islands (our ref 1100-0001/WJH).

**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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BETWEEN:

GEORG HEINRICH THYSSSEN-BORNEMISZA

Plaintiff

AND:

(1) KASZONY TRUSTEES LIMITED

(2) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

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

Service of the Originating Summons is acknowledged accordingly.

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 in person) of his name, address and reference, if any, in the box below.

Bodden & Bodden
Grand Pavilion Commercial Centre
802, West Bay Road
PO Box 10335
Grand Cayman KY1-1003
Cayman Islands
(our ref 1100-0001/WJH)

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