

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ⁴⁷⁶ OF 2008

IN THE MATTER of Section 48 of the *Trusts Law (2007 Revision)* and the *Grand Court Rules, 1995 (Revised)*, Order 85

AND IN THE MATTER of an application by the trustees of the Monsen Will Trust for directions of the Court

BETWEEN:

- (1) MADDS ERIK MONSEN
- (2) ANTHONY GEORGE MERRIK,
BARON TRYON OF DURNFORD

As Trustees of the Monsen Will Trust

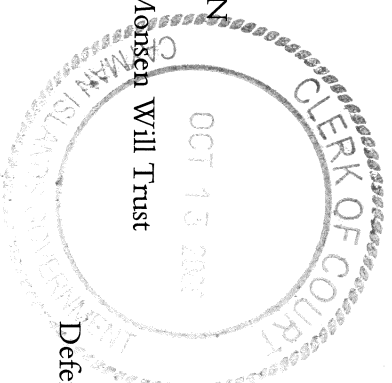
Plaintiffs

-and-

- (1) KIMIKO ODAGAKI
- (2) MADDS ERIK MONSEN

As Beneficiaries of the Mosen Will Trust

Defendants



EX PARTE ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 14th day of October 2008, at 9.30 am, on the hearing of an application by the Plaintiffs for the following relief:

1. A direction that the Plaintiffs herein as Trustees of the Monsen Will Trust be authorised to participate in the settlement of the claims made by the plaintiffs in Grand Court Cause No. 350 of 2004.
2. A direction authorising the Plaintiffs as Trustees of the Monsen Will Trust to allocate and pay the sum of US\$1.5 million from the funds presently held upon the trusts of the Monsen Will Trust for the purposes of payment of an annuity to Kimiko Odagaki to the settlement of the claims made by the plaintiffs in Grand Court Cause No. 350 of 2004.
3. Further and alternatively a direction authorising the Plaintiffs as Trustees of the Monsen Will Trust to allocate and pay the sum of US\$1.5 million from the funds presently held upon the trusts of the Monsen Will Trust for the payment of legal costs and expenses incurred by the Defendants to the claims brought in Grand Court Cause No. 350 of 2004.
4. Directions as to whether any other person and, if so whom, should be given notice of this application and upon what terms and conditions.
5. Such further and necessary directions as the Court sees fit.
6. For provision to be made for the costs of this Application.
7. Such further or other relief as the Court sees fit.

Dated the 10th day of October 2008



APPLEBY

TIME ESTIMATE: The estimated length of the hearing of this summons is two hours.

This Ex Parte Originating Summons was issued by Appleby, Attorneys-at-Law for the Plaintiffs, whose address for service is Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands, KY1-1104(Ref: CDP/ML/003467.006; Ex Parte Originating Summons (Beddoes)-Thorleif Monsen Will Trust)