

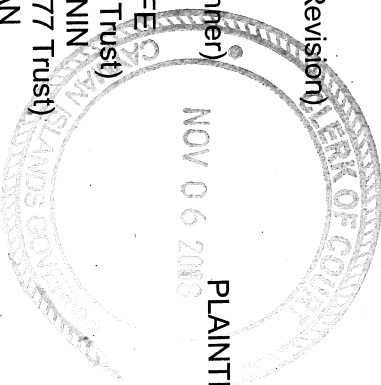
IN THE GRAND COURT OF THE CAYMAN ISLANDS .

CAUSE NO: *0527* OF 2008

IN THE MATTER OF the estate of Fred J Brunner, deceased

AND IN THE MATTER OF Section 48 of the Trusts Law (2007 Revision)

BETWEEN: FRED MICHAEL BRUNNER  
(as the executor of the estate of Fred J Brunner) PLAINTIFF



- AND:
- (1) ROBERT B WOLF AND STEVEN WOLFE  
(as trustees of the Susan E Wolfe 1977 Trust)
  - (2) ROBERT B WOLF AND DONALD CRONIN  
(as trustees of the Michelle A Cronin 1977 Trust)
  - (3) ROBERT B WOLF AND RICHARD RYAN  
(as trustees of the Mary Ruth Ryan 1977 Trust)
  - (4) ROBERT B WOLF AND JOSEPH H FANCHER  
(as trustees of the Fred Michael Brunner 1977 Trust)
  - (5) WILLIAM MICHAEL BRUNNER (on his own behalf and on behalf of all other children of the Plaintiff and the Seventh to Tenth Defendants other than the Sixth Defendant)
  - (6) MARY ELIZABETH BRUNNER (a minor)
  - (7) SUSAN E WOLFE
  - (8) MICHELLE A CRONIN
  - (9) MARY RUTH RYAN
  - (10) PAMELA M SCHWEGEL



**ORIGINATING SUMMONS**

LET ALL PARTIES CONCERNED attend before the Judge of the Grand Court in Chambers at the Law Courts, George Town, Grand Cayman at *9:30 am* o'clock on the *11th* day of *December* 2008 on the hearing of an application pursuant to Section 48 of the Trusts Law (2007 Revision) and the inherent jurisdiction of this Honourable Court by the Plaintiff (as the executor of the estate of Fred J Brunner, deceased) of P O Box 1190, 1510 N Old Missouri Road, Springdale, Arkansas, United States of America by which the Plaintiff seeks the following orders and directions:

1. A declaration whether, in the event that the Plaintiff and the Seventh to Ninth Defendants or any of them ("the Disclaiming Beneficiaries") disclaim the whole of their respective interests arising under the provisions of Article III of the will dated 28<sup>th</sup> September 2000 ("the Will") of Fred J Brunner deceased ("the Deceased") the Plaintiff holds the share

("the Share") of the estate of the Deceased ("the Estate") to which such Disclaiming Beneficiary was entitled:

- (a) as if the Deceased had died partially intestate with regard to the Share; or
  - (b) on trust for the descendants of the Disclaiming Beneficiary living at the death of the Testator in equal shares per stirpes; or
  - (c) on some other, and if so what, trusts.
2. A declaration whether, in the event that all or any of the Disclaiming Beneficiaries purport to disclaim part only of the Share, such partial disclaimer is effective.
3. Declarations whether, if the Disclaiming Beneficiaries or any of them execute disclaimers and a partial intestacy results in respect of any Share:
- (a) the provisions of section 33 of the Succession Law (2006 Revision) ("Section 33") may be excluded from application to the estate of a deceased person by a contrary intention expressed in the will of the deceased;
  - (b) if Section 33 may be so excluded, whether on the true construction of the Will Section 33 has been so excluded;
  - (c) if Section 33 has not been so excluded, the manner in which the interests of such Disclaiming Beneficiaries should be brought into account in the administration of the Estate.
4. All other necessary directions and orders; and
5. An order providing for the costs of this application.

AND LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Clerk of the Court, P O Box 495, George Town, Grand Cayman KY1-1106.

DATED the                    day of November 2008.

*Walkers*

**WALKERS**  
Attorneys at Law for the Plaintiff

**NOTES:**

1. This Summons may not be served later than 4 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.
2. If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to them as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons is issued by Walkers, Attorneys at Law, Walker House, 87 Mary Street, George Town, Grand Cayman KY1-9001, for the Plaintiff whose address for service is care of his said Attorneys at Law.