

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **G0128** OF 2009

IN THE MATTER of the Declaration of Trust dated 1 June 1979 and made by Maria Ernestina Barcardi y Gaillard and Roywest Trust Corporation (Cayman) Limited

AND IN THE MATTER of section 63 of the Trusts Law (2007 Revision)

BETWEEN:

- (1) MARIA EUGENIA PESSINO
- (2) MARIANA PESSINO DE QUIRCH

Plaintiffs

and

- (1) ROTHSCHILD TRUST CAYMAN LIMITED
- (2) ELENA GOMEZ DEL CAMPO DE LINDZON
- (3) JERRY M LINDZON
- (4) ELENA LAURA PESSINO DE BALMASEDA
- (5) CAROLINA BERGAZ CREWS
- (6) CAMILA BORJESSON (a minor)
- (7) LIAM ROTHWELL PESSINO (a minor)

Defendants

ORIGINATING SUMMONS

TO: ROTHSCHILD TRUST CAYMAN LTD of P.O. Box 10129, 5<sup>th</sup> floor Citrus Grove, George Town, Grand Cayman, KY1 1206

AND TO: ELENA GOMEZ DEL CAMPO DE LINDZON of El Rocio, Rainbow Road, Lyford Cay, the Island of New Providence, Bahamas and c/o Ziva Robertson, Mourant, 3<sup>rd</sup> Floor Harbour Centre, George Town, Grand Cayman, Cayman Islands

AND TO: JERRY LINDZON of El Rocio, Rainbow Road, Lyford Cay, Nassau, Bahamas

AND TO: ELENA LAURA PESSINO DE BALMASEDA of Rue Forel 2, 1162 St Prex, Switzerland

AND TO: CAROLINA BERGAZ CREWS of 124 W 60<sup>th</sup> Street, Apartment 32B, New York, NY 10023, United States of America

**AND TO: CAMILA BORJESSON (A MINOR)** of c/o Lorena Casas, Enrique d'Almonte 10, 28028 Madrid, Spain

**AND TO: LIAM ROTHWELL-PESSINO** of 99 Old Stone Highway, East Hampton, New York, United States of America, 11937

**LET THE DEFENDANTS** 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, P.O. Box 495GT, George Town, Grand Cayman KY1-1106, Cayman Islands B.W. I.

**BY THIS ORIGINATING SUMMONS** which is issued on the application of the Plaintiffs Maria Eugenia Pessino of 99 Old Stone Highway, East Hampton, New York, United States of America 11937 and Mariana Pessino de Quirch of 8200 S.W. 52 Avenue, Miami, Florida, United States of America 33143-8439, who are beneficiaries of the said Declaration of Trust ("the Settlement"), against the Defendants (whose addresses are given above and who in the case of the First Defendant is the sole trustee of the Trust ("the Trustee") and in the case of the other Defendants are interested under the Cotorro Trust, the Plaintiffs seek the following relief:-

1. An order of the Court under section 63 of the Trusts Law (2007 Revision) conferring on the Trustee power:
  - 1.1 to divide the trust fund held subject to the trusts of the Settlement ("the Trust Fund") into three equal shares and to appropriate:
    - 1.1.1 one such share to a sub-fund of the Trust Fund to be known as the Mariana Cotorro Sub-Fund";
    - 1.1.2 one such share to a sub-fund of the Trust Fund to be known as the Elena Laura Cotorro Sub-Fund and
    - 1.1.3 one such share to a sub-fund of the Trust Fund to be known as the Maria Cotorro Sub-Fund

and to hold each such sub-fund on the trusts of the Settlement and with and subject to the powers and provisions set out in the draft order intended to be exhibited to an affidavit to be sworn by the First Plaintiff or on such terms as the Court may think fit;

- 1.2 For the purpose of such division and appropriation to place such value on all or any part of the trust fund as may in all the circumstances appear to the Trustee to be just and reasonable.
2. An order authorising and directing the Trustee to exercise the powers referred to in paragraph 1.
3. Such further or other relief as the Court thinks fit.
4. An order providing for the costs of this application.

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.

Dated 18 March 2009

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Maitland  
Attorneys for the Plaintiffs

**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.