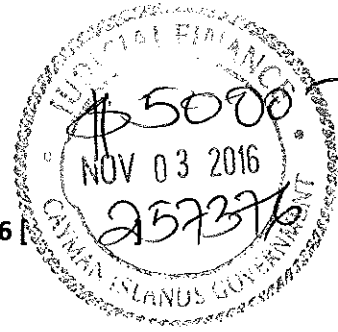


IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

0185  
FSD CAUSE NO: OF 2016



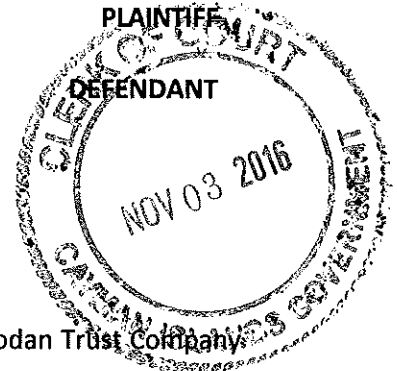
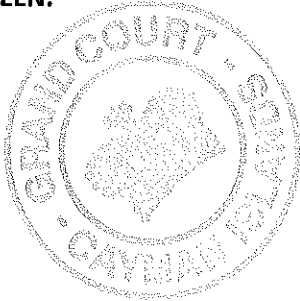
IN THE MATTER OF SECTION 46 OF THE COMPANIES LAW (2016 REVISION)  
AND IN THE MATTER OF DUTCHESS PRIVATE EQUITIES CAYMAN FUND LTD

BETWEEN:

CANNONBALL PLUS FUND LTD

AND

DUTCHESS PRIVATE EQUITIES CAYMAN FUND LTD



ORIGINATING SUMMONS

LET THE DEFENDANT Dutchess Private Equities Cayman Fund Ltd ('Dutchess') of Codan Trust Company (Cayman) Limited, Cricket Square, Hutchins Drive, P.O. Box 2681, Grand Cayman, KY1-1111, Cayman Islands attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2016 at o'clock on the hearing of an application by the Plaintiff of Circle Trust Services (BVI) Ltd, Rodus Building, 4th floor, P.O. Box 4064, Road Town, Tortola, British Virgin Islands for orders that:-

1. Pursuant to Section 46 of the Companies Law (2016 Revision) (the 'Law'), the Register of Members of Dutchess be rectified by entering the name of Cannonball Plus Fund Ltd as holder of 1,855.9022 Base Series 7 shares on the basis of a transfer dated 15 April 2016 of such shares from ABN Amro Global Custody Services N.V to the Plaintiff.
2. The cost of this Originating Summons be paid by Dutchess.
3. There be such further or alternative relief granted as the Court shall think fit.

AND LET THE DEFENDANT within 14 days after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 3<sup>rd</sup> day of November 2016

*Solomon Harris*

SOLOMON HARRIS  
ATTORNEYS-AT-LAW FOR THE PLAINTIFF

00619533-1 THIS ORIGINATING SUMMONS was issued by SOLOMON HARRIS whose address for service is 3<sup>rd</sup> Floor, FirstCaribbean House, PO Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff.

**NOTES:-**

1. This 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 the above date unless renewed by order of the Court.
2. If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

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

## **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 495G, 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.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION**

**FSD CAUSE NO: OF 2016 [ ]**

**IN THE MATTER OF SECTION 46 OF THE COMPANIES LAW (2016 REVISION)  
AND IN THE MATTER OF DUTCHESS PRIVATE EQUITIES CAYMAN FUND LTD**

**BETWEEN: CANNONBALL PLUS FUND LTD PLAINTIFF**  
**AND DUTCHESS PRIVATE EQUITIES CAYMAN FUND LTD DEFENDANT**

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**ACKNOWLEDGMENT OF SERVICE OF  
ORIGINATING SUMMONS**

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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

(Signed).....

[Attorney] for [Defendant in person] 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.

Please complete overleaf

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

Solomon Harris  
3<sup>rd</sup> Floor, First Caribbean House  
PO Box 1990,  
Grand Cayman, KY101104  
Cayman Islands  
Ref: 2997.0002

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

[Empty box for Defendant's Attorney indorsement]