

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ⁸¹⁸ OF 1997

BETWEEN: MAX CHRISTOPHER DONNELLY
(TRUSTEE IN BANKRUPTCY)

PLAINTIFF

AND: (1) KARESS PROPERTIES LIMITED
(2) KYLE INVESTMENTS LIMITED
(3) AMANDA LARKINS
(4) ALEXANDRA LOUISE BUCKHAM
(5) CAROLYN ARGENTI
(6) FELICITY ARGENTI



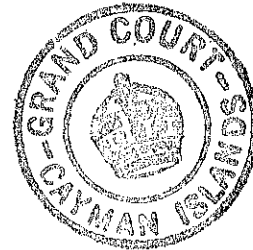
WRIT OF SUMMONS

TO: Karesse Properties Limited,
c/o Corporate Filing Services,
P.O. Box 613,
4th Floor, Harbour Centre,
George Town, Grand Cayman

AND TO: Kyle Investments Limited,
c/o Campbell Corporate Services Ltd.,
P.O. Box 268,
Bank of Nova Scotia Building,
Cardinal Avenue,
George Town, Grand Cayman

AND TO: Amanda Larkins,
c/o Christopher Charles Skase,
Calle Salmudaina,
S/N, Port Andraitx,
Majorca, Spain

AND TO: Alexandra Louise Buckham,
The Hop Kilns,
Weston,
Petersfield,
Hants GU32 3NP
England



AND TO: Carolyn Argenti,
119 Wells Street,
Southbank,
Melbourne,
Victoria,
Australia

AND TO: Felicity Argenti,
224 Punt Road,
Prahan,
Melbourne,
Victoria,
Australia

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 5th day of December, 1997.

NOTE - This Writ 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 date of issue unless renewed by order of the Court.

IMPORTANT

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

THE PLAINTIFF claims:

1. A declaration that all those shares or other securities in the capital of Karess Properties Limited ("KPL") on issue or otherwise owned by the Third to Sixth Defendants or any of them as at 13th June, 1991 vested at that date in the Plaintiff as Trustee of the Estate of Christopher Charles Skase.
2. A declaration that all those shares or other securities in the capital of KPL acquired by the Third to

Sixth Defendants or any of them after 13th June, 1991 vested as at the date or dates of such acquisition in the Plaintiff as Trustee of the Estate of Christopher Charles Skase.

3. A declaration that all those shares or other securities in the capital of Kyle Investments Limited ("Kyle") or any interest therein held by or on behalf of the Third to Sixth Defendants or any of them as at 13th June, 1991 vested at that date in the Plaintiff as Trustee of the Estate of Christopher Charles Skase.
4. A declaration that all those shares or other securities in the capital of Kyle or any interest therein acquired by the Third to Sixth Defendants or any of them after 13th June, 1991 vested as at the date or dates of such acquisition in the Plaintiff as Trustee of the Estate of Christopher Charles Skase.
5. A declaration that all those shares or other securities in the capital of La Noria S.A. or any interests therein held by or on behalf of the Third to Sixth Defendants or any of them as at 13th June, 1991 vested at that date in the Plaintiff as Trustee of the Estate of Christopher Charles Skase.
6. A declaration that all those shares or other securities in the capital of La Noria S.A. or any interests therein acquired by the Third to Sixth Defendants or any of them after 13th June, 1991 vested as at the date or dates of such acquisition in the Plaintiff as Trustee of the Estate of Christopher Charles Skase. All the shares, securities or other interests referred to in paragraphs 1, 2, 3, 4, 5 and 6 shall hereinafter be referred to as "Shares".
7. A declaration that the Plaintiff has vested in him as Trustee:
 - (a) any proceeds or other form of consideration received in respect of any sale or other disposition of the Shares which would other than for this declaration belong to any of the Third to Sixth Defendants or property of any sort representing those proceeds or other consideration ("the Proceeds");
 - (b) all certificates or other documents representing the Shares or Proceeds;
 - (c) any monies or other assets borrowed or acquired by any of the Defendants upon the security of the Shares or by use of any Proceeds; and

(d) any dividends, entitlements, further shares allotted or any other rights accrued at any time in respect of the Shares or property of any sort now representing those;

which together with the Shares are referred to as "the Property".

8. A declaration that the Property is held on trust by the Third to Sixth Defendants for the benefit of the Plaintiff as Trustee.
9. A declaration that the Plaintiff is entitled to trace in equity and recover the Property.
10. An order that the Register of Members of KPL be rectified with effect from 13th June, 1991 by striking out the names of the Third to Sixth Defendants or any nominee or agent thereof as the holder of all issued shares of KPL and by inserting in lieu thereof the name of the Plaintiff or his nominee as the holder of all the said issued shares.
11. An order that the Third to Sixth Defendants deliver up, or procure that the same be delivered up, forthwith to the Plaintiff:
 - (a) share certificate(s) in respect of all Shares registered in that Defendant or that Defendant's nominee;
 - (b) transfers in respect of the Shares referred to in (a) above duly executed by the relevant Defendant in favour of the Plaintiff or his nominee or transferee; and
 - (c) the Property.
12. An order that the Defendants do pay interest on the Property pursuant to equity, alternatively section 34 of the Judicature Law (1995 Revision) or alternatively the Judgement Debts (Rates of Interest) Rules 1995.
13. All such further accounts, enquiries, orders, declarations and directions as may to the Court seem just or appropriate.

14. Costs.

15. Further or other relief.



W.S. WALKER & COMPANY
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by W.S. Walker & Company, Attorneys-at-Law for the Plaintiff, whose address for service is that of its said Attorneys-at-Law, Caledonian House, P.O. Box 265, George Town, Grand Cayman, Cayman Islands.

BETWEEN: MAX CHRISTOPHER DONNELLY
(TRUSTEE IN BANKRUPTCY)

PLAINTIFF

- AND:
- (1) KARESS PROPERTIES LIMITED
 - (2) KYLE INVESTMENTS LIMITED
 - (3) AMANDA LARKINS
 - (4) ALEXANDRA LOUISE BUCKHAM
 - (5) CAROLYN ARGENTI
 - (6) FELICITY ARGENTI

DEFENDANTS

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendants by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings *(tick where appropriate)*

yes no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceeding, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff *(tick box)*

yes

Service of the Writ is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

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.

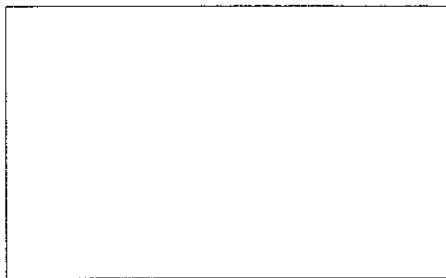
Defendant in person: where the Defendant is acting in person, he must give his post box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

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

W.S. Walker & Company
P.O. Box 265
Caledonian House
Mary Street
Grand Cayman

Ref: DMM/A140-13726

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



**DIRECTION FOR ACKNOWLEDGMENT OF SERVICE OF
WRIT OF SUMMONS**

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 Court's office.
2. 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.
3. 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 Writ of Summons*)".
4. 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.
5. 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.
6. 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.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad item.
8. A Defendant acting in person may obtain help in completing the form at the Court's office.