

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 50 of 2021 (NSJ)

IN THE MATTER OF THE M TRUST

AND IN THE MATTER OF SECTION 48 OF THE TRUST ACT



BETWEEN:

ST LIMITED
(in its capacity as trustee of the M Trust)

Plaintiff

- and -

AV

Defendant

ORIGINATING SUMMONS

LET THE DEFENDANT, in a personal capacity and as representative of all persons who are or may be interested in or affected by this originating summons attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2021 at am/pm on the hearing of an application by the Plaintiff the details of which are set out in this originating summons.

AND LET THE DEFENDANT, within 28 days after service of this originating summons on the defendant, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

By this Originating Summons, which is issued by ST Limited (the *Trustee*) as trustee of a Cayman Islands law trust established by written deed of trust (the *Deed of Trust*) and known as 'the M Trust', the Plaintiff seeks the following declarations and orders:

- 1 A declaration that on the true construction of the Deed of Trust, the Initial Protector did have power to appoint her successor Protector pursuant to a deed of confirmation and appointment of successor Protector dated 23 October 2020 and accordingly that the said deed of confirmation and appointment is valid and effective.
- 2 Alternatively an order appointing "TB" as Protector of the Trust in place of the initial Protector pursuant to the Court's inherent supervisory jurisdiction effective from the date of this Order.
- 3 The previous orders made by this Court in respect of the confidentiality of the proceedings on 23 March 2021 be continued until further order.
- 4 The Trustee be indemnified out of the assets of the M Trust in respect of its costs of the originating summons.

Dated this 24th day of June 2021

Filed this 24th day of June 2021

Harney Westwood & Riegels

Harney Westwood & Riegels

Attorneys for the Plaintiff

THIS ORIGINATING SUMMONS was filed by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiff, whose address for service is 3rd Floor, Harbour Place, 103 South Church Street, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: CXM/052092.0007).

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 Acknowledgement 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[s] or by the Defendant[s] if acting in person. After completion it must be delivered or sent by post to the Law Courts, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands.

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 fourteen (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 "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.

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ACKNOWLEDGMENT OF SERVICE OF ORIGINATING 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.**

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

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.

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.

Endorsement by Plaintiff[s]’[s] Attorney (or be Plaintiff[s] if suing in person) of his name, address and reference, if any, in the box below.

Harney Westwood & Riegels
3rd Floor, Harbour House
103 South Church Street
PO Box 10240
Grand Cayman KY1-1002
Cayman Islands
(Ref: CXM/052092.0007)

Endorsement by Defendant[s]’[s] Attorney (or by Defendant[s] if suing in person) of his name, address and reference, if any, in the box below.