



COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO FSD: OF 2023

IN THE MATTER OF A SETTLEMENT KNOWN AS THE KELLY FAMILY TRUST DATED 22 AUGUST 2017

AND IN THE MATTER OF A SETTLEMENT KNOWN AS THE UPDATED KELLY FAMILY TRUST DATED 19 OCTOBER 2021

IN THE MATTER OF SECTIONS 27A OF THE TRUSTS ACT (2021 REVISION) AND GCR ORDER 85

BETWEEN

- (1) DOEY COLLINS KELLY
- (2) DARNEY DUHANEY KELLY
- (3) DARNOL FAEBERK KELLY
- (4) DONVERD MCCARTHY KELLY

PLAINTIFFS

AND

- (1) DAVE ERNEST LINDO KELLY
- (2) ELLEN ANN KELLY-VERNON
- (3) BERKLEY DALVIN KELLY

DEFENDANTS

ORIGINATING SUMMONS

LET THE DEFENDANTS, within 28 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495, George Town, Grand Cayman, the Cayman Islands.

By this Originating Summons, which is issued on the application of the Plaintiffs in their capacity as beneficiaries of trusts of the settlements known as The Kelly Family Trust ("*the Trust*") and the Updated Kelly

Family Trust (*'the Updated Trust'*) (together *'the Trusts'*), against the Defendants (whose address is given below), the Plaintiffs seek the following orders from the Court on the pursuant to the Trust Act (2021 Revision) and GCR Order 85:

1. That the Defendants be ordered to provide accurate accounts and records to the beneficiaries of the Trust and the Updated Trust (including underlying documentation) of their dealings with the Trusts and Property of the Trusts since their inception and/o the date of the Defendants appointment as Trustees.
2. That the Updated Trust be set aside and delivered up for cancellation with such necessary consequential orders, account and inquiries in respect of the Defendants stewardship of the Updated Trust.
3. Such ancillary orders and directions as may be required to give effect to the relief sought.
4. Such further necessary Orders and Directions as the Honourable as this Court deems fit, including, if necessary, directions as to service and/or notification of these proceedings to any other persons, including but not limited to the other surviving beneficial objects of the Trusts.
5. That provision be made for the costs of this application.
6. Further or other relief.

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.

Dated this 31st day of May 2023



Nelsons
Attorneys at Law for the Plaintiffs

TO: **DAVE ERNEST LINDO KELLY** of 222 Powell Smith Road, West Bay, Grand Cayman
 ELLEN ANN KELLY-VERNON of 181 Powell Smith Drive, West Bay, Grand Cayman
 BERKLEY DALVIN KELLY of 185 Powell Smith drive, West Bay, Grand Cayman

NOTE - 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 that date unless renewed by order of the Court.

IMPORTANT

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

This **Originating Summons** was issued by Nelsons, attorneys for the Plaintiffs, whose address for service is that of his said attorneys at P.O. Box 30069, Grand Cayman KY1-1201 Cayman Islands.

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 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

CAUSE NO FSD: OF 2023

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AND

- (1) DAVE ERNEST LINDO KELLY
- (2) ELLEN ANN KELLY-VERNON
- (3) BERKLEY DALVIN KELLY

DEFENDANTS

ACKNOWLEDGEMENT 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

(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.

Nelsons
Attorneys at Law
PO Box 30069
Grand Pavilion
Grand Cayman KY1-1201
Attn: A Minto / C Flanagan

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