

REGISTRAR'S  
OFFICE

IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
ANGUILLA CIRCUIT  
(CIVIL)  
A.D. 2016

MAY 06 2016 *MS 11:56*

ANGUILLA

Claim No: AXA/HCV 2016/ *0032*

1. NATIONAL BANK OF ANGUILLA (PRIVATE BANK AND TRUST)  
LIMITED  
(in administration)

2. CARIBBEAN COMMERCIAL INVESTMENT BANK LIMITED  
(in administration)

Claimants

- and -

1. NATIONAL BANK OF ANGUILLA LIMITED  
(in receivership)

2. CARIBBEAN COMMERCIAL BANK (ANGUILLA) LIMITED  
(in receivership)

3. NATIONAL COMMERCIAL BANK OF ANGUILLA LIMITED

Defendants

---

CLAIM FORM

---

The Claimants, National Bank of Anguilla (Private Banking & Trust) Limited (In Administration) of The Valley, Anguilla and Caribbean Commercial Investment Bank Limited (In Administration) of The Valley, Anguilla hereby claims against the Defendants National Bank of Anguilla Limited (In Receivership) of the Valley Anguilla, Caribbean Commercial Bank (Anguilla) Limited (In Receivership) of The Valley, Anguilla and National Commercial Bank of Anguilla Limited of The Valley, Anguilla and seeks the following relief:

- (1) A declaration that, in procuring or permitting the Funds to be paid to the NBA and CCB, the Conservator Directors acted in breach of fiduciary duties owed to PBT and CCI respectively;

- (2) A declaration that such part of the Funds and/or their traceable proceeds as are held by NBA, CCB and NCBA are held on trust for, respectively, PBT and CCI;
- (3) The taking of an account on a willful default basis, alternatively common account basis, and an inquiry for the purpose of identifying such part of the Funds and/or their traceable proceeds as remain in the possession or control of NBA, CCB and NCBA, or such other purpose as the Court considers appropriate;
- (4) All further proper accounts, inquiries and directions, including such directions as are necessary in light of any defence served in order to take the account, and establish the extent of, the Funds and their traceable proceeds to which PBT and CCI are entitled;
- (5) An order that NBA, CCB and NCBA do transfer to PBT and CCI such part of the Funds and/or their traceable proceeds as remain in their possession and/or control, or otherwise transfer and pay to the Claimants any of their property as is identified as part of the account and inquiry;
- (6) Interest on the Funds as from the date of their misapplication or such other date as the Court considers appropriate, payable at the rate of one percent above ECCB base rate and compounded at half yearly intervals, alternatively at such rate and for such period as the Court considers appropriate;
- (7) Costs; and
- (8) Such further or other relief as the Court considers fit.

### **CERTIFICATE OF TRUTH**

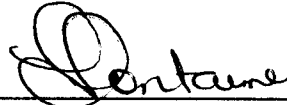
I Eustella Fontaine of Fontaine & Associates, Solicitors for the Claimants herein, hereby certify that:-

- (a) The Claimants believe that the facts stated in this Claim Form are true; and
- (b) This certificate is given on the Claimants' instructions.

The Claimants cannot give the certificate because the Administrator of the Claimants resides out of the jurisdiction. Our address for service is Fontaine & Associates of Hansa Bank Building, Landsome Road, The Valley Anguilla on behalf of the Claimants whose address for service is

the same. Telephone: +1-264-497-1404; fax: +1-264-497-1044; e-mail: [fontainelaw@fontainelawfirm.com](mailto:fontainelaw@fontainelawfirm.com)

Dated the 6<sup>th</sup> day of May, 2016



---

Ms. Eustella Fontaine  
Fontaine & Associates  
Solicitors for the Claimants

**NOTICE TO THE DEFENDANT** — See the notes served with this claim form. This claim form must contain or have served with it either a statement of claim or a copy of a court order entitling the claimant to serve the claim form without a statement of claim.

If you do not complete the form of acknowledgment of service served on you with this claim form and deliver or send it to the court office (address below) so that they receive it within 14 days of service of this claim form on you, the claimant will be entitled to apply to have judgment entered against you. The form of acknowledgment of service may be completed by you or a legal practitioner acting for you.

You should consider obtaining legal advice with regard to this claim.

Dated the 6<sup>th</sup> day of May, 2016



---

Ms. Eustella Fontaine  
Fontaine & Associates  
Solicitors for the Claimants

[S E A L]

The Court Office is at The Court House, The Valley Anguilla. Telephone Number +1-(264)-497-2377, Fax +1-(264)-497-5420. The office is open between 8:00 am to 3:30 pm Mondays to Fridays except Public Holidays and Court Holidays.

The Claimants' address for service is: **Fontaine & Associates, Hansa Bank Building, Landsome Road, The Valley, Anguilla, Telephone:+1-264-497-1404; fax:+-1-264-497-1044; e-mail: [fontainelaw@fontainelawfirm.com](mailto:fontainelaw@fontainelawfirm.com)**

**Filed by Fontaine & Associates of Hansa Bank Building Landsome Road, The Valley, Anguilla on behalf of the Claimants; telephone:+1-264-497-1404; fax:+-1-264-497-1044; e-mail: [fontainelaw@fontainelawfirm.com](mailto:fontainelaw@fontainelawfirm.com)**