

ROYAL COURT
(Samedi Division)

9th April, 1997

66.

Before: The Deputy Bailiff, sitting alone.

In the matter of the Den Haag Trust

and

In the matter of
the Representation of Joan Munnikhuis, a beneficiary of the Trust,
seeking an Order, under Articles 47 and 49 of the Trusts
(Jersey) Law, 1984, for discovery and inspection of all trust
documents held by the Trustee, Ernst and Young Trustees, Ltd.

APPLICATION BY THE REPRESENTOR FOR COSTS.

Advocate P.C. Sinel for the Representor.
Advocate M.H.D. Taylor for the Trustees.

THE DEPUTY BAILIFF: It is clear from the correspondence that on 11th
October, 1996, Counsel for the Trustees was not convinced that
5 Mrs. Joan Munnikhuis was entitled to Trust documentation. An
offer was proposed and accepted. The opinion of counsel was
obtained. The letter enclosing the opinion finishes with these
words.

10 *"Given the clear opinion expressed by counsel may we
please invite you to make immediate proposals for us to
inspect you client's documentation."*

15 Counsel's opinion, as one would expect, is as clear a recital
of the obligations of a Trustee as could be expected. It is
perhaps not surprising that the representation was brought against
the Trustees. We are dealing with a Court action of some
importance to the parties. In my view immediate proposals means
20 what it says and inactivity is not a viable excuse. It goes to
the credit of the Trustees that Mr. Sinel is now in possession of
all the documentation that he required but there is no doubt in my
mind that the Trustees had a duty to disclose to a beneficiary the
matters to which he or she is entitled in law when they were
requested to do so.

- 2 -

My decision is that the Trustees shall pay the costs of and incidental to this representation from 18th November on an indemnity basis.

No Authorities.