

ETUDE MUDRY

[Redacted]

S. 119

LOUIS M. MUDRY  
AVOCAT AU BARREAU DE GENEVE  
MASTER OF COMPARATIVE LAW

By fax

[Redacted]

[Redacted]

[Redacted]

[Redacted]

N/RÉF. LMM/bp

DATE: August 3, 2004

Re. THE BASTILLE TRUST

Dear [Redacted]

I am referring to your Memorandum on the Minutes of the Meeting of July 9, 2004 not to take exception with your comments on the wording of the Minutes, but to redress some digressions you made which have nothing to do with the Minutes, but which are inaccurate and unacceptable per se.

**Ad par. 2)** Mrs. Ernestina Bacardi not only asked me to look after her son, but she is also the one who appointed me trustee of CORNICHE TRUST, together with her son.

BASTILLE TRUST is the legal successor of CORNICHE TRUST, and Mr. Bacardi and myself have always remained trustees by virtue of that first appointment made by his mother who can be qualified as the real Settlor of the present trust.

Trustees in Liechtenstein cannot be removed without causes and a general statement like "Mr. and Mrs. Bacardi do not trust you anymore" is certainly not a sufficiently explicit cause. I would therefore, appreciate if Mr. Bacardi or you, could elaborate in details on that sudden loss of trust which happened 40 years after my becoming counsel of Mr. Bacardi. I am not interested in the reasons why Mrs. Bacardi does not trust me as I know that she does not trust anyone; please, therefore, relay only Mr. Bacardi's reasons.

**Ad par. 3)** If Mrs. Bacardi "is more concerned about the safety of the BACARDI shares held by the trustees" it shows her ignorance and lack of qualification to become a Protector of CORNICHE TRUST, especially when the present trustees have years of honesty, experience and dependability.

In fact, she should be more concerned about the future of BACARDI LIMITED which depends very much from the way the GAILLARD Group (to which BASTILLE TRUST belongs) votes its shares in the next few years and of the relationship between BASTILLE TRUST and the GAILLARD Group.

**Ad. par. 8)** Indeed, the RANTEX and ARATEO shares are bearer shares. But they bear no indication of value, nor the name of BACARDI LIMITED. They are, therefore, totally different from a usual bearer share or a bearer bond which may eventually be stolen or resold.

Fax [REDACTED]

Furthermore, the (obligatory) Liechtenstein Director must at all time know the name of his client and the assets held by RANTEX and ARATEO; any transfer must, therefore, go through him and be known to him.

**Ad. par. 9)** I strongly object to your tone and implications.

The whole PICTET episode has been caused by you and by PICTET and no one else. You conveniently forget your peremptory fax of June 15, 2004, in which you requested in no uncertain terms that "Mr. Bacardi be appointed a Director of RANTEX ANSTALT and a signatory on the bank mandate of EFG Bank for RANTEX account"; and in your comments (page 3, first paragraph) you state, misquoting my statement as written down in the Minutes of our last meeting: "it is a very lame excuse on the part of Me Mudry to maintain his actions were taken only because Me Mudry had received a letter from me asking that Mr. Bacardi be made signatory on the RANTEX account at PICTET". By the way, there is no RANTEX account at PICTET.

You, then, refer to a fax to Dr. Walch of June 26 asking that Mr. Bacardi be appointed a Director of RANTEX ANSTALT. I never saw that fax.

In any event, by then, Dr. Walch and myself had already taken the steps requested and authorized by you in your fax of June 15, as duly authorized representative of Mr. Bacardi.

To pretend now, that we had also to obtain the previous authorization of Mr. Bacardi in addition to your order, is worse that a "lame excuse": it contradicts the facts since Mr. Bacardi was also copied your fax of June 15 and had tacitly agreed to your request.

As far as PICTET & Cie, their attitude is even worse than yours, and for many reasons:

- a) They broke their own rules in not abiding by the signatures as deposited with them;
- b) They illegally broke the law in taking Justice in their own hands. There is a very clear Court Decision which basically states that a bank has to abide by their signatures rules and not by the wishes of the ultimate beneficiary of an account;
- c) They deliberately sided with one trustee against the two other trustees;
- d) They meddled in a Trust matter which did not concern them: they are neither lawyers, authorized to give legal advice, nor trust specialists;

Their doings, their attitude and their prejudice totally disqualify them for being considered to the position of Corporate Trustee of the BASTILLE TRUST.

Finally, could you be so kind, the sake of good order, as to fax me copies of your powers to represent Mr. and Mrs. Bacardi.

Very truly yours,

Louis M. MUDRY

Copy :

- Dr. Walch, Vaduz [REDACTED]

- Mr. Luis Gomez del Campo Bacardi, Lord of Bayfield Hall  
c/o Me. C. Brechbuhl [REDACTED]