

AT THE PROVINCIAL COURT OF NICOSIA

**Before:** St. Nathanail President of the Provincial Court of Nicosia

**Num. of General Application: 317/2005**

**Between:**

His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul

**Applicants**

**-and-**

1. UNION GENERAL ARMENNIENNE DE BIENFAISANCE
2. ARMENIAN GENERAL BENEVOLENT UNION (AGBU)

**Recipients of Application**

The application by Mr. Al. Fr. Markidis, Mr. K. Ch. Velaris and Mrs. Christina P. Sarri, Lawyers of the applicants, present in the hearing by Mr. Velaris, **THIS COURT OF LAW**, after having read the sworn confession which was submitted by or for the applicants,

**BY THE PRESENT ORDERS AND PROVIDES PERMISSION** to seal and file the proposed subpoena order.

**AND THIS COURT OF LAW FURTHER ORDERS** that the expenses be reserved for the course of the lawsuit that will be filed.

Issued on 24.5.2005

Drafted on 26.5.2005

St. Nathanail P.P.C.

Exact copy

Protocol dep.

**Between:**

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from Istanbul**

**Complainant**

**-and-**

**1. UNION GENERAL ARMENNIENNE DE BIENFAISANCE  
From Switzerland, 3 Chemin du Cap Tel 282086  
1006 Lausanne**

**2. ARMENIAN GENERAL BENEVOLENT UNION (AGBU)  
From the United States of America,  
55 East 59<sup>th</sup> Street, New York  
NY 10022 - 1112 U.S.A.**

**Defendants**

**UNILATERAL APPLICATION (EX PARTE) BY MESROB MUTAFYAN, Patriarch of Istanbul for Armenians, APPLICANT**

The aforementioned Applicant requests:

- (A) A decree from the Court by which will be allowed the issuance and/ or the sealing and/ or the filing of any endorsed subpoena order, a draft of which is attached as **Exhibit 1** by or on the part of the Applicant in question against the recipients of the application, by a legal person that has been founded and registered and is seated in Cyprus, so that the subpoena order in question be served to them, wherever they are seated, in this particular case, the United States of America.
- (B) Any other order the Court sees as necessary and reasonable.
- (C) Expenses of the present application, plus VAT.

The present application is based on the Procedural Regulations on Civil Procedure Δ.2 Reg. 1,2,3 and 6 (paragraph 4), Δ.48 Reg. 1,2,8 (1) (a1) and on the general jurisdictions of the Court.

The events on which the application is founded are presented in the attached Sworn Statement by Mrs. Elia Nikolaou, from Nicosia.

The present application was submitted by Mr. Al. Fr. Markidis, Mr. K. Ch. Velaris and Mrs. Christina P. Sarri, Lawyers of the Applicant.

Serving Address: The Law Firm of Polakis Sarris & Co  
36 Vironos Avenue, 8<sup>th</sup> floor, Nicosia, ☎. 77

Signature \_\_\_\_\_  
Al. Fr. Markidis, K. Ch. Velaris  
and Christina Sarri  
**Lawyers of Complainants - Applicants**

**Between:**

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from Istanbul**

**Complainant**

**-and-**

**1. UNION GENERAL ARMENNIENNE DE BIENFAISANCE  
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**2. ARMENIAN GENERAL BENEVOLENT UNION (AGBU)  
From the United States of America,  
55 East 59<sup>th</sup> Street, New York  
NY 10022 - 1112 U.S.A.**

**Defendants**

**SWORN STATEMENT**

The below signing party Mrs. Elia Nikolaou, from Nicosia, swears and states the following:

1. I am a lawyer at the Law Firm of Mr. Polakis Sarris & Co. and I work with Mrs. Christina P. Sarri, one of the Applicant's lawyers. I know the events that form the aforementioned procedure. The events for which I have no personal knowledge, I have learned from various documents that were provided to me and from persons that are personally aware of them, as for legal issues by the Applicant's legal counselors.
2. Karabet Melkonian was born in Turkey in the 19<sup>th</sup> century and made a large fortune through business activities that he had developed with his brother in Egypt as well as in other countries. A large part of his fortune he wanted to give to the advantage of his fellow countrymen who at the time were persecuted in the country where he had been born.
3. In the framework of this donation and according to its spirit, the Armenian Patriarchate of Istanbul founded in Cyprus, on a real estate property that had been purchased to that end, an Orphanage and a School in order to address the needs of poor Armenians that were living in Cyprus, the neighbouring area and in dispersion.
4. The school operated without cease and is still in operation today.
5. For the management of the fortune, a relevant document had been drafted, dated 25/7/1921, with the participation of the donor, from which clearly results the formation of a charity within the sense of the relevant legislation as it is in force today.
6. The document in question was repeatedly amended in 1924, 1925 and 1926, without however affecting its benevolent character or the purposes for which it had originally been founded and which definitely included the maintenance of the aforementioned school. The addition executed in 1926 had significantly extended the power of trustees as well as their discretion, always within the framework of the original purposes.
7. The original Trustee was the Patriarch of Armenians in Istanbul. However, in 1925, apparently due to the difficulties he then faced in Turkey, which constitute a historic event and for which the Court has and can receive judicial knowledge, he was replaced, with the consent of the donor, by the L' Union General Armenienne de Bienfaisance, a non-profitable institution that was seated in Switzerland and

had offices in Paris and/ or in other places. At some point, the persons that formed the institution in question, around 1955, promoted the founding of a similar institution in the United States of America, with approximately the same purposes as the first one, under the name ARMENIAN GENERAL BENEVOLENT UNION (AGBU), seated in New York. Following the foundation of the second institution, the two of them seem to always operate under the same administration, they act under either name as if they were one, despite the fact that they constitute separate entities with separate charters of association and/ or regulations, irrespectively of the fact that these regulations are similar between them as much as they are with all other regulations that govern charity institutions.

8. The manner in which the two institutions operate may cause and often brings about confusion in what concerns third parties, since more often than not decisions are made from one institution and they are executed by the other one.
9. The institution that was originally founded in Switzerland had accepted that the fortune in Cyprus be included under its ownership, under the condition that it would uphold its obligations included in the original donation for the maintenance of the Melkonian School.
10. After the founding of the second institution in the United States of America, the fortune is under the management and control of both institutions, acting however in the manner mentioned in the above paragraph 7, despite the fact that the principal role at least in the issue of making and executing decisions was played by the institution in the United States.
11. The institution that was originally founded in Switzerland is the Defendant 1 and the institution founded later in the United States of America is Defendant 2.
12. The Defendants, despite the fact that they did not make available the capital that was necessary for the smooth operation of the Melkonian School, and the latter was preserved by contributions and tuition fees of dispersed Armenians, however they allowed its operation within the aforementioned fortune without any serious disruptions.
13. Now, in violation of the terms of the donation and the provisions for the maintenance of the Melkonian School in Cyprus, they have expressed their intention, abusing the securitization of the fortune to them, to shut down the school and liquidate the fortune as well as to expatriate and familiarize the product of the sale.
14. I am of the opinion and to this effect I have been advised that the aforementioned fortune is in trusteeship for the Armenian Community of Cyprus and the Armenians of the surrounding areas as well as those dispersed in the world. I am also of the opinion that the announced actions of the Defendants constitute a violation of the trusteeships and/ or of undertaken obligations and that the Complainant has the right to the remedies included in Exhibit 1.
15. On 16.5.2005 the Complainant addressed the Provincial Court of Nicosia by the General Application 281/05 in order to obtain a permit to issue, seal and file Exhibit 1, as it concerned only the Defendants 2. The permit was provided the next day and a relevant order was issued.
16. Due to the confusion caused by the manner of operation of the aforementioned Defendants, instructions were not properly communicated and thus it was mistakenly understood by the lawyers that the responsible parties for the lawsuit were only Defendants 2. This is why they consulted us on whether it would be more proper to submit the present application.
17. This is the reason for the relevant application.

The solemnly stating

Swore and signed before me at the  
Provincial Court of Nicosia  
Today, 20/5/2005.

PROTOCOL DEPARTMENT

## General Endorsement

### The claim of the Complainant against the Defendants is:

- (A) A statement by the Court that the real estate property in Nicosia, which is described in the table below and in which is located and operates the school known as Melkonian School, is in trusteeship for the needs and the operation of the aforementioned school, to the benefit of the Armenian Community of Cyprus and the Armenians of the surrounding areas as well as those dispersed in the world.

#### Table

Item 4165, Φ/Σ XXI/63 W1 Section B in Aglantzia  
with doc. Num. 4810 total area 124,100 sq. m.

- (B) An order by the Court that prohibits the Defendants, their representatives, their servants or any other person that has an interest or right resulting from the, to sell, burden or alienate in any way, or change the aforementioned real estate property or any part of it or to use it to any other end, than the operation of the Melkonian School.
- (C) An order by the Court by which the Defendants are prohibited from any action that may abolish the school in question or postpone or impede its smooth operation.
- (D) An order by the Court which obligates the Defendants to present accounts for the management of the fortune in question and of any amounts that may have been collected by it.
- (E) An order by the Court canceling the transfer of the real estate properties in question in the name of the Defendants and ordering their transfer to the Complainant as a trustee for the Armenian Community of Cyprus and the Armenians of the surrounding areas as well as those dispersed in the world.
- (F) Any other remedy or order that the Court may consider reasonable or necessary.
- (G) Expenses.

**Num. 1 - SUBPOENA ORDER (O.2.1)**

At the Provincial Court of Nicosia  
Between

Num. 4492 2005

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from  
Istanbul**

**Complainant**

and

1. UNION GENERAL ARMENNIENNE DE BIENFAISANCE
2. ARMENIAN GENERAL BENEVOLENT UNION (AGBU)

**Defendant**

**(a) 3 Chemin du Cap, 1006 Lausanne (b) 55 East 59th Street, New York NY 10022-1112 U.S.A.**

**You are hereby ordered, within ten days from the receipt of the present subpoena to present yourselves in the legal action that has been filed against you by the aforementioned complainant.**

**From Istanbul**

**The claim of the Complainant in the action is presented in the claim report on the back.**

**The address for serving of the Complainant is the Law Firm of Polakis Sarris & Co, 36 Vironos Avenue, 8<sup>th</sup> floor, Tel. 677000 in Nicosia.**

**To our knowledge, if you omit to be present before the Court on the day stated herein, the Complainant has the right to proceed with the legal action and a decision may be made in your absence.**

**Filed and sealed on 2/6/2005**

**(Signature) Al. Fr. Markidis,  
K. Ch. Velaris and Chr. P. Sarri  
Complainant's Lawyers**

**Protocol Dep.**

**Note: (1) You may be present yourself or through an attorney before the Protocol Department in Nicosia, and by a note delivered the same day to the address for serving of the Complainant, a copy of the note dated, signed and sealed by the Protocol Department.**

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- (a) Note your full address, including the street and the number of the building if there is one.
- (b) State the Defendant's profession if it is known
- (c) State the profession of the Complainant.
- (d) Note the full name, the profession and the address of a person, within the municipal limits of the city or the village where the Protocol Department where the legal action was filed is located, to which person documents for the Complainant may be served.
- (e) The date should be best filled in by the Protocol Department.
- (f) Remove the words "Lawyer for the Complainant" if you pursue the legal action yourselves and add the word "Complainant".
- (g) State the city or village where the Protocol Department is located, as stated in (d) above.

**Note - During the drafting of a subpoena attention should be paid to Provision 2 and to the provisions that govern the claim reports.**

Note for Defendant - Any defendant subpoenaed for a claim exceeding 25 pounds, if he wishes to use the services of a lawyer, should bear in mind that unless the Judge has given his approval, a lawyer cannot present himself instead of him, unless he has a written order provided to him by the Defendant according to Type 12 A.

## Endorsement of Claim

### The Complainant claims:

- (A) A statement by the Court that the real estate property in Nicosia, which is described in the table below and in which is located and operates the school known as Melkonian School, is in trusteeship for the needs and the operation of the aforementioned school, to the benefit of the Armenian Community of Cyprus and the Armenians of the surrounding areas as well as those dispersed in the world.

### Table

Item 4165, Φ/Σ XXI/63 W1 Section B in Aglantzia  
with doc. Num. 4810 total area 124,100 sq. m.

- (B) An order by the Court that prohibits the Defendants, their representatives, their servants or any other person that has an interest or right resulting from the, to sell, burden or alienate in any way, or change the aforementioned real estate property or any part of it or to use it to any other end, than the operation of the Melkonian School.
- (C) An order by the Court by which the Defendants are prohibited from any action that may abolish the school in question or postpone or impede its smooth operation.
- (D) An order by the Court which obligates the Defendants to present accounts for the management of the fortune in question and of any amounts that may have been collected by it.
- (E) An order by the Court canceling the transfer of the real estate properties in question in the name of the Defendants and ordering their transfer to the Complainant as a trustee for the Armenian Community of Cyprus and the Armenians of the surrounding areas as well as those dispersed in the world.
- (F) Any other remedy or order that the Court may consider reasonable or necessary.
- (G) Expenses.

Exact Copy

(Signature) Al. Fr. Markidis, K. Ch. Velaris  
And Chr. P. Sarris  
Complainant's Lawyers

Protocol Department

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(a) Remove the words "Lawyer for the Complainant" if you pursue the legal action yourselves and add the word "Complainant".

**Between:**

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from Istanbul**

**Complainant**

**-and-**

**1. UNION GENERAL ARMENNIENNE DE BIENFAISANCE  
From Switzerland, 3 Chemin du Cap Tel 282086  
1006 Lausanne**

**2. ARMENIAN GENERAL BENEVOLENT UNION (AGBU)  
From the United States of America,  
55 East 59<sup>th</sup> Street, New York  
NY 10022 - 1112 U.S.A.**

**Defendants**

**UNILATERAL APPLICATION (EX PARTE) BY MESROB MUTAFYAN, Patriarch of Istanbul for Armenians**

The aforementioned Applicant requests the following orders:

- (A) An Order by the Court that allows the serving of a notice outside jurisdiction of the above Subpoena Order to the Defendants/ Recipients of the Application.
- (B) An Order by the Court that the Defendants/ Recipients of the Application present themselves within forty five (45) days from the date the notice of the Subpoena Order in question and the requested order were served.
- (C) An Order by the Court that in case the Defendants/ Recipients of the Application omit to file a presence, any subsequent Application and/ or notification and/ or document related to the present Lawsuit will be considered as properly served to the aforementioned Defendants/ Recipients of the Application if a copy of it has been posted in the Court's announcements for ten (10) days.
- (D) Any other order the Court may consider just and reasonable under the circumstances.
- (E) The expenses for the present Application.

The address of the Defendants 1/ Recipients of the Application 1 is:

UNION GENERAL ARMENNIENNE DE BIENFAISANCE  
3 Chemin du Cap Tel 282086  
1006 Lausanne

The address of the Defendants 2/ Recipients of the Application 2 is:

ARMENIAN GENERAL BENEVOLENT UNION (AGBU)  
55 East 59<sup>th</sup> Street, New York  
NY 10022 - 1112 U.S.A.

The Application is based on the Regulations on Civil Procedure Δ.2 001 and 2, Δ.2 006 (4) and 9, Δ.6 001 (α), 4, 5 and 6, Δ.9 001, 4, 5 and 7, Δ.48 001, 2, 3, 8 and 9 in Law on Courts 14/60 Articles 21 and 31 and to the resulting powers of the Court.

The events on which the application is founded are presented in the attached Sworn Statement by Mrs. Elia Nikolaou, from Nicosia.

The present application was submitted by Mr. Al. Fr. Markidis, Mr. K. Ch. Velaris and Mrs. Christina P. Sarri, Lawyers of the Applicant.

Serving Address:     The Law Firm of Polakis Sarris & Co  
                              36 Vironos Avenue, 8<sup>th</sup> floor, Nicosia, ☎. 77

Signature \_\_\_\_\_  
Al. Fr. Markidis, K. Ch. Velaris  
and Christina Sarri  
**Lawyers of Complainants - Applicants**

Filed today 2/6/2005  
Ordered on 6/6/2005

Protocol Department

**Between:**

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from Istanbul**

**Complainant**

**-and-**

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1006 Lausanne**

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From the United States of America,  
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**Defendants**

**SWORN STATEMENT**

The below signing party Mrs. Elia Nikolaou, from Nicosia, swears and states the following:

1. I am a lawyer at the Law Firm of Mr. Polakis Sarris & Co. and I work with Mrs. Christina P. Sarri, one of the Applicant's lawyers. I know the events that form the aforementioned procedure. The events for which I have no personal knowledge, I have learned from various documents that were provided to me and from persons that are personally aware of them, as for legal issues by the Applicant's legal counselors.
2. Karabet Melkonian was born in Turkey in the 19<sup>th</sup> century and made a large fortune through business activities that he had developed with his brother in Egypt as well as in other countries. A large part of his fortune he wanted to give to the advantage of his fellow countrymen who at the time were persecuted in the country where he had been born.
3. In the framework of this donation and according to its spirit, the Armenian Patriarchate of Istanbul founded in Cyprus, on a real estate property that had been purchased to that end, an Orphanage and a School in order to address the needs of poor Armenians that were living in Cyprus, the neighbouring area and in dispersion.
4. The school operated without cease and is still in operation today.
5. For the management of the fortune, a relevant document had been drafted, dated 25/7/1921, with the participation of the donor, from which clearly results the formation of a charity within the sense of the relevant legislation as it is in force today.
6. The document in question was repeatedly amended in 1924, 1925 and 1926, without however affecting its benevolent character or the purposes for which it had originally been founded and which definitely included the maintenance of the aforementioned school. The addition executed in 1926 had significantly extended the power of trustees as well as their discretion, always within the framework of the original purposes.
7. The original Trustee was the Patriarch of Armenians in Istanbul. However, in 1925, apparently due to the difficulties he then faced in Turkey, which constitute a historic event and for which the Court has and can receive judicial knowledge, he was replaced, with the consent of the donor, by the L' Union General Armenienne de Bienfaisance, a non-profitable institution that was seated in Switzerland and

had offices in Paris and/ or in other places. At some point, the persons that formed the institution in question, around 1955, promoted the founding of a similar institution in the United States of America, with approximately the same purposes as the first one, under the name ARMENIAN GENERAL BENEVOLENT UNION (AGBU), seated in New York. Following the foundation of the second institution, the two of them seem to always operate under the same administration, they act under either name as if they were one, despite the fact that they constitute separate entities with separate charters of association and/ or regulations, irrespectively of the fact that these regulations are similar between them as much as they are with all other regulations that govern charity institutions.

8. The manner in which the two institutions operate may cause and often brings about confusion in what concerns third parties, since more often than not decisions are made from one institution and they are executed by the other one.
9. The institution that was originally founded in Switzerland had accepted that the fortune in Cyprus be included under its ownership, under the condition that it would uphold its obligations included in the original donation for the maintenance of the Melkonian School.
10. After the founding of the second institution in the United States of America, the fortune is under the management and control of both institutions, acting however in the manner mentioned in the above paragraph 7, despite the fact that the principal role at least in the issue of making and executing decisions was played by the institution in the United States.
11. The institution that was originally founded in Switzerland is the Defendant 1 and the institution founded later in the United States of America is Defendant 2.
12. The Defendants, despite the fact that they did not make available the capital that was necessary for the smooth operation of the Melkonian School, and the latter was preserved by contributions and tuition fees of dispersed Armenians, however they allowed its operation within the aforementioned fortune without any serious disruptions.
13. Now, in violation of the terms of the donation and the provisions for the maintenance of the Melkonian School in Cyprus, they have expressed their intention, abusing the securitization of the fortune to them, to shut down the school and liquidate the fortune as well as to expatriate and familiarize the product of the sale.
14. I am of the opinion and to this effect I have been advised that the aforementioned fortune is in trusteeship for the Armenian Community of Cyprus and the Armenians of the surrounding areas as well as those dispersed in the world. I am also of the opinion that the announced actions of the Defendants constitute a violation of the trusteeships and/ or of undertaken obligations and that the Complainant has the right to the remedies included in Exhibit 1.
15. The Defendants are governed by charters of association and/ or regulations similar in general parameters to those that govern all charity institutions.
16. I am of the opinion and have been properly counseled that the Provincial Court of Nicosia has the jurisdiction and power to undertake the case, as part of the Complainant's application concerns real estate property that is located in Nicosia.
17. The Defendants 1 have their permanent seat in Switzerland at the address:

UNION GENERAL ARMENNIENNE DE BIENFAISANCE  
3 Chemin du Cap Tel 282086  
1006 Lausanne

18. The Defendants 2 have their permanent seat in the United States of America at the address:

ARMENIAN GENERAL BENEVOLENT UNION (AGBU)  
55 East 59<sup>th</sup> Street, New York  
NY 10022 - 1112 U.S.A.

19. I honestly believe and have been properly counseled that it would be correct and fair that the claimed rights be granted.
20. This is the reason for the relevant application.

The solemnly stating

Swore and signed before me at the  
Provincial Court of Nicosia  
Today, 2/6/2005.

PROTOCOL DEPARTMENT

**Between:**

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from Istanbul**

**Complainant**

**-and-**

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**Defendants**

**UNILATERAL APPLICATION (EX PARTE) BY MESROB MUTAFYAN, Patriarch of Istanbul for Armenians**

The aforementioned Applicant requests the following orders:

- (A) An order by the Court that prohibits the Defendants, and/ or their representatives, and/ or their servants, and/ or any other person that has an interest or right resulting from the, to sell, burden or alienate in any way, or change the use of the aforementioned real estate property or any part of it or to use it to any other end, than the operation of the Melkonian School.

**Description of Real Estate Property**

Item 4165, Φ/Σ XXI/63 W1 Section B in Aglantzia  
with doc. Num. 4810 total area 124,100 sq. m.

- (B) An order by the Court that prohibits the Defendants, and/ or their representatives, and/ or their servants to take any action that may abolish the school in question or postpone or impede its smooth operation.
- (C) Any other Order that the Court may consider just and reasonable to be issued under the circumstances.
- (D) The expenses for this Application.

The Application is based on the Regulations on Civil Procedure Δ.39, Δ.48 00.1, 2, 6, 7, 8 and 9, in articles 4 and 9 of the Law on Civil Procedure Chapter 6 in article 32 on the Law 14/60 on Courts and on the general principles that govern the issuance of temporary orders, as they have been determined by the procedure of the Supreme Court, on the general principles that are in force for Charity Trusts, on the existent and resulting powers as well as the practice of the Court.

The events on which the application is founded are presented in the attached Sworn Statement by Mrs. Elia Nikolaou, from Nicosia.

The present application was submitted by Mr. Al. Fr. Markidis, Mr. K. Ch. Velaris and Mrs. Christina P. Sarri, Lawyers of the Applicant.

Serving Address: The Law Firm of Polakis Sarris & Co  
36 Vironos Avenue, 8<sup>th</sup> floor, Nicosia, ☉. 77

Signature \_\_\_\_\_  
Al. Fr. Markidis, K. Ch. Velaris  
and Christina Sarri  
**Lawyers of Complainants - Applicants**

Filed today 2/6/2005  
Ordered on 6/6/2005

Protocol Department

**Between:**

**His Holiness MESROB MUTAFYAN, Supervising Patriarch of the Armenian Patriarchate of Istanbul, from Istanbul**

**Complainant**

**-and-**

**1. UNION GENERAL ARMENNIENNE DE BIENFAISANCE  
From Switzerland, 3 Chemin du Cap Tel 282086  
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**2. ARMENIAN GENERAL BENEVOLENT UNION (AGBU)  
From the United States of America,  
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**Defendants**

**SWORN STATEMENT**

The below signing party Mrs. Elia Nikolaou, from Nicosia, swears and states the following:

1. I am a lawyer at the Law Firm of Mr. Polakis Sarris & Co. and I work with Mrs. Christina P. Sarri, one of the Applicant's lawyers. I know the events that form the aforementioned procedure. The events for which I have no personal knowledge, I have learned from various documents that were provided to me and from persons that are personally aware of them, as for legal issues by the Applicant's legal counselors.
2. The Complainant is head of the Armenian Patriarchate of Istanbul that is an autocephalous Armenian Christian Orthodox Church. Among its high duties is included the promotion of the Christian faith, the promotion of education, the relief of poverty and other charity works of every form. It continues and inherits, as well as expresses the institution of the Patriarch of Istanbul for the Armenians, who was the religious leader of Armenian Orthodox Christians that at the time resided in the Ottoman Empire, its conquests and the surrounding area. As I have been informed, is according to the law a charity corporation sole.
3. Karabet Melkonian was born in Turkey in the 19<sup>th</sup> century and made a large fortune through business activities that he had developed with his brother in Egypt as well as in other countries. A large part of his fortune he wanted to give to the advantage of his fellow countrymen who at the time were persecuted in the country where he had been born.
4. In July 1921, Karabet Melkonian donated a large part of his fortune, movable and real estate property to Zaven Der Yeghyayan, under his ownership as the Patriarch of the ARMENIAN PATRIARCHATE OF ISTANBUL at the time. For the management of the fortune, a relevant document had been drafted, dated 25/7/1921, with the participation of the donor, from which clearly results the formation of a charity within the sense of the relevant legislation as it is in force today.
5. One of the many terms of this donation was the term that the Patriarch creates 3 schools for the children in the Ottoman Armenia and Cilice. However, due to the political instability in the Ottoman Armenia and Cilice at the time, the creation of the schools in question was not feasible in the area, thus, after relevant amendments of the original document, the Patriarch was given the freedom to create orphanages and/ or schools at any place he himself deemed ideal. Consequently, the Patriarch decided

and proceeded to the creation of two orphanages in Nicosia, which since then were transformed into a school, known today as Melkonian or Melkonian School.

6. The document in question was repeatedly amended in 1924, 1925 and 1926, without however affecting its benevolent character or the purposes for which it had originally been founded and which definitely included the maintenance of the aforementioned school.
  - 6.1. We have in our possession copies of some of the documents, for example those of 1925 and 1926, as for the rest, the Complainant has been informed that in all essential points they have the same or similar provisions in what concerns the purposes for the donation of the fortune. The complete load of documents, including the will, are maintained by the Defendants, who refuse to disclose their content or to provide copies. They are expected to do the above in the framework of the present lawsuit. I attach the documents in possession by the Complainant as **Exhibit A** and **Exhibit B** respectively.
7. It is noted that in 1924, the Defendant 1 had been founded in Switzerland, the charity organization or institution under the name Union Generale Armenienne de Bienfaisance, seated in Geneva and with offices in many other large cities, including Paris, to the benefit of Armenians around the world.
  - 7.1. The Defendant 1 made formal an initiative of Armenians in Egypt and dispersed around the world, that had been expressed for the first time in Cairo in 1904 and since then it operated in a similar manner with the institution, without however having a separate legal persona.
  - 7.2. Since the founding of Defendant 1, with the consenting opinion of the predecessor of the Complainant and the donor, the institution participated in the trust in question and by the addition of the 1926 document the powers of the Trustees had been significantly expanded, as well as their discretion, always in my opinion and as I have been consulted in the framework of the original purposes.
8. The original Trustee was the Patriarch of Armenians in Istanbul. However, in 1925, apparently due to the difficulties he then faced in Turkey, which constitute a historic event and for which the Court has and can receive judicial knowledge, he was replaced, with the consent of the donor, by the Defendant 1.
  - 8.1. Furthermore, for the same aforementioned reasons the real estate property in Cyprus was transferred to the Defendant 1 by the predecessor of the Complainant.
  - 8.2. It was an understood and clear term of the legal transaction that the fortune, irrespectively of where it was securitized, would continue to be owned in trusteeship within the framework of the donor's original spirit and intention.
  - 8.3. Despite the fact the as owners, Defendant 1 could typically alienate themselves from the fortune that had been transferred to them, they had undertaken the obligation to maintain it providing the guarantees with explicit provisions in their charter of association.
  - 8.4. The Patriarch of Armenians at the time had accepted the transfer of the fortune to the Defendant 1, after being assured that the Defendant 1 would uphold its obligations, such as not to allow alienation of the fortune in Cyprus and not to allow that it ever ceases from being used according to the original wishes of the donor, that is as a school or an education intitute.
9. At some point, the persons that formed the institution in question, around 1955, promoted the founding of a similar institution in the United States of America, with approximately the same purposes as the first one, under the mane ARMENIAN GENERAL BENEVOLENT UNION (AGBU), seated in New York. Following the foundation of the second institution, the two of them seem to always operate under the same administration, they act under either name as if they were one, despite the fact that they constitute separate entities with separate charters of association and/ or regulations, irrespectively of the fact that these regulations are similar between them as much as they are with all other regulations that govern charity institutions.
10. The manner in which the two institutions operate may cause and often brings about confusion in what concerns third parties, since more often than not decisions are made from one institution and they are executed by the other one.
  - 10.1. It was never clarified if the Defendants 1 and 2 are one body or two separate bodies that operate in parallel courses. They themselves keep a secretive stand for everything that concerns their operation and their activities, as well as their structure. What the Complainant knows is that in most cases, the same persons take action for Defendant 1 as well as for Defendant 2. We attach the charter of association of Defendant 2 as **Exhibit C**.

- 10.2. After the founding of Defendant 2 in the United States of America, the fortune is under the management and control of both institutions, acting however in the manner mentioned in the above paragraph 9, despite the fact that the principal role at least in the issue of making and executing decisions was played by the Defendant 2.
- 10.3. The Defendants undertook their obligations, clearly including the obligation to maintain the disputed property and to own it in order for it to be used as a school for the Armenians in Cyprus, the surrounding areas and the ones dispersed in the world, always according to the wishes of the donor, as did their predecessors, meaning the Patriarch of Armenians in Istanbul.
- 10.4. The charter of association of Defendants 2 clearly provides in Article VII, par. 1 that the institution's capital is unalienable, providing that it constitutes a principal article without any possibility for amendment. It is specified that in the capital are included donations specially made to the capital or donations and legacies to a specific purpose, as is the donation by Karabet Melkonian. Similar provisions are included in the charter of association of Defendant 1, which is attached as Exhibit D. The article in question is article 9, a translation of which is attached as Exhibit D1.
- 10.5. At some point, under conditions that are unknown to the Complainant, the disputed real estate property was transferred and securitized in the name of Defendant 1.
11. It is the position of the Complainant that the aforementioned fortune, irrespectively of the fact that it is securitized in the name of Defendant , was acquired in order to be owned in trusteeship and to be used as a school or an education institution, according to the wishes of the original donor and his titled successors.
  - 11.1. The Defendants, upon undertaking the real estate property in question and for many years later, upheld their obligation to own it and use it as described above, despite the fact that they did not provide the necessary capitals for its operation. These were mostly provided by contributions and tuition by the Armenians of Cyprus and the ones dispersed around the world.
  - 11.2. At some point, around 1986, in violation of the Trust's terms and/ or their duties as Trustees, the Defendants appeared to have alienated part of the fortune in question, under circumstances and reasons that are not known to the Complainant, the explanation of which constitutes an object of the above lawsuit.
  - 11.3. However, it may be said that the Defendants and their titled Predecessors did not present any serious impediments to the operation of the School during the last 75 years of its operation.
12. Recently, in violation of the terms of the donation and their undertaken obligations as Trustees and/ or otherwise, as well as in violation of the reasons for which they were allowed to undertake its ownership, as is to liquidate the fortune in question planning to expatriate and cease the operation of the school and to transfer the students to other educational institutions until the end of the school year. To this end they have proceeded and continue to proceed to actions for:
  - (a) The firing or cease of educational and other personnel.
  - (b) The prompting for a transfer of the students to other schools and their discouragement to study in the School by spreading that it has been closed down.
  - (c) The auction of the property and publication of announcements for its sale. To this end they seem to be entering in negotiations with potential buyers.
    - 12.1. The Defendants continue the aforementioned actions despite the reaction and the opposition expressed by the Complainant and by all the Armenian Organisations in Cyprus as well as in the surrounding areas, to the benefit of which the school operates, and despite the admonitions and recommendations by official bodies towards the Defendants, who remain unconvinced.
    - 12.2. As a result of this situation, the students, the parents and the personnel of the school are frustrated due to the uncertainty and confusion that has been caused by the Defendants.
13. The Complainant is of the opinion and has been informed to this effect that the aforementioned fortune is owned in trusteeship for the Armenian Community of Cyprus and the Armenians of the surrounding areas and the ones dispersed around the world and that the conduct and the actions taken by the Defendants constitute a violation of Trusts and/ or of their undertaken obligations as mentioned above.
14. Furthermore, the Complainant is of the opinion and has been informed to this effect that he has a solid base for a lawsuit with good odds for success concerning all the remedies that he requests by this

lawsuit and that if the requested order is not issued, the damage that will occur will not be able to be remedied in the future by any means. On the other hand, the Defendants bear no damage by the issuance of the order, due to the continuous increase of value for the real estate property in the area where it is located.

15. The Complainant has taken judicial measures against the Defendants 2 also in the United States of America where their seat is, which however could not bear an evident result, due to the lack of jurisdiction by the American Courts, as the object of the Trust concerns real estate property in Cyprus.
16. The issue is one of urgency because as of now the students must see to their registration for the next school year and the educational and other personnel must be assured so that the school does not remain without such personnel in the year to come. Furthermore, one must bear in mind that because the Defendants have entered into negotiations for the sale of the property, there is a risk that they may reach an agreement and thus the procedure will be without an object.
17. This is the reason for the relevant application.

The solemnly stating

Swore and signed before me at the  
Provincial Court of Nicosia  
Today,  
PROTOCOL DEPARTMENT