

EXHIBIT 3

Infante & Pérez Almillano
ATTORNEYS AT LAW



[H/written:] -108-

TELEPHONES:

322-2121 322-2207

322-2205 322-2206

FAX: (507) 322-2212

P.O. BOX 0830-00142 ZONE 9
PANAMA, REP. OF PANAMA
EDIFICIO St. GEORGE BANK, FLOOR 14
CALLE 50 AND 74 SAN FRANCISCO

REGULAR DECLARATORY
JUDGMENT PROCEEDING FOR
NULLITY OF WILL

HILDA PIZA LUCOM or
HILDA ANTONIA PIZA BLONDET

-VS-

RICHARD SAM LEHMAN, ISABEL
MARIA CLARK, ROBERT CLARK,
ALEXANDER CLARK, LANNY CLARK,
CASSANDRA CLARK, MELINDA ISABEL
ARIAS DE MORRICE, HILDA JULIE
ARIAS DE ABDELNOUR, MADELAINE
ANTONIA ARIAS PIZA, MARGARITA
DEL CARMEN ARIAS PIZA or
MARGARITA ARIAS ALLISON, NORAH
GARNER, JAMES GIBBONS, ANN SMITH,
WALTER GARNER, GABY ELKINS,
CHRISTOPHER RUDDY, DR. PETER
HIBBERD, MARIO BOYD, ANDREA
OSPINA, TANYA ITZEL RAMOS
HERRERA, ISRAEL DEL CARMEN
TEJADA CUERVO, EDILBERTO SOTO,
MAYO CLINIC OF ROCHESTER,
MINNESOTA and END WAR TRUS
FOUNDATION and WILSON C. LUCOM
FOUNDATION and MARIO VELASQUEZ
CHIZMAR.

COMPLAINT

**HONORABLE FOURTH CIVIL COURT JUDGE IN AND FOR THE FIRST JUDICIAL
CIRCUIT OF PANAMA:**

We, **INFANTE & PEREZ ALMILLANO**, a civil code attorneys' corporation, domiciled at Calle 50, Edificio St. Georges Bank and Company, Floor 14, Panama City, location where we receive personal and judicial service of process, telephone number 322-2121, fax No. 322-2212, acting in our capacity as general attorneys-in-fact for legal actions for **HILDA PIZA LUCOM or HILDA ANTONIA PIZA BLONDET**, who is the same person, a female, married, of legal age, personal

identity card No. N-19-1901, domiciled at Edificio Royal Palace, Floor 11, Punta Paitilla in this city, by virtue of the general power of attorney granted to us, hereby appear before your honorable chambers to file an Ordinary Declaratory Proceeding for Nullity of Will against the Testamentary Succession of **WILSON CHARLES LUCOM**, represented by **RICHARD SAM LEHMAN**, a male, a United States citizen, identification No. L550-757-44-081-0, domiciled at 2600 N. Military Trail, Suite 270, Boca Raton, Florida 33431, United States of America, in his capacity as executor of the Testamentary Succession of **WILSON CHARLES LUCOM (R.I.P.)**, **ISABEL MARIA CLARK**, who may be located at 7407 Alvarado Load [sic] No. 147, La Mesa, California 91941, **ROBERT CLARK**, a male, of legal age, personal identity number 230-13-7992, **ALEXANDER CLARK**, a male, of legal age, personal identity number 230-13-7714, **LANNY CLARK**, a male, of legal age, personal identity number 552-69-3776, **CASSANDRA CLARK**, a female, of legal age, personal identity number 557-75-8741, **CHRISTOPHER RUDDY**, a male, of legal age, a United States citizen, identification number R-300-119-65-028-0, domiciled at 1120 Bear Island Dr., West Palm Beach, Fl. Number 33409, **MELINDA ISABEL ARIAS DE MORRICE**, a female, a Panamanian, of legal age, personal identity number 8-998-2152, who may be located at Calle 64 San Francisco, House No. 16 in this city, **HILDA JULIE ARIAS DE ABDELNOUR**, a female, a Panamanian, of legal age, personal identity number 8-1003-2003, who may be located at 2 Chemin Sebastiere, Castrellion 1223, Switzerland, **MADELAINE ANTONIA ARIAS PIZA**, a female, a Panamanian, of legal age, personal identity number 8-189-863, who may be located at 530 Park Avenue, New Cork [sic], NY 10021, **GILBERTO ARIAS PIZA**, a male, a Panamanian, of legal age, personal identity number 8-238-861, who may be located at Altos del Golf, House No. 17, San Francisco, in this city, **MARGARITA DEL CARMEN ARIAS PIZA** or **MARGARITA ARIAS ALLISON**, a female, a Panamanian, of legal age, personal identity number 8-212-2194, who may be located at 310 Palmer Park, Palm Beach 33480, **NORAH GARNER**, a female, of legal age, who may be located at 183 Buena Vista Avenue, Howthorne [sic], New Jersey 04506, **JAMES GIBBONS**, a male, of legal age, **ANN SMITH**, a female, a Panamanian, **WALTER GARNER**, a male, of legal age, who may be located at 183 Buena Vista Avenue, Howthorne [sic], New Jersey 07506, United States, **GABY ELKINS**, who may be located at 3280 Cynthia Lone [sic], No. 20-110, Lake Worth, Florida 33461, United States of America, **DR. PETER HIBBERD**, a male, of

legal age, who may be located at 106 Hammond, No. 1, P.O. Box 2822, Palm Beach, Florida, United States of American, **MARIO BOYD**, a male, a Panamanian, of legal age, personal identity number 8-164-244, who may be located at Calle 30 and 31, Avenida Mexico, Building 1-109, First Floor, Suite No. 2 in this city, **ANDREA OSPINA**, a female, of legal age, personal identity number E-8-87812, **TANYA ITZEL RAMOS HERRERA**, a female, a Panamanian, of legal age, personal identity number 2-146-902, who may be located at Royal Palace No. 1, Punta Paitilla in this city, **ISRAEL DEL CARMEN TEJADA CUERVO**, a male, of legal age, personal identity number 8-223-668, who may be located in San Miguelito, **EDILBERTO SOTO**, a male, of legal age, personal identity number 4-729-2476, **MAYO CLINIC OF ROCHESTER, MINNESOTA, END WAR TRUS** foundation, all in their capacities as legatees of the Testamentary Succession of **WILSON C. LUCOM (R.I.P.)**, whose other personal information, domicile and/or legal representation we state, under oath, are unknown to us thus far, therefor impossible to confirm, and of the **WILSON C. LUCOM FOUNDATION**, in its capacity as heir in the Testamentary Succession of **WILSON CHARLES LUCOM (R.I.P.)**, all artificial persons whose domicile and legal representatives we state, under oath, are unknown to us and are impossible to confirm and **MARIO VELASQUEZ CHIZMAR**, a male, a Panamanian, of legal age, personal identity card number 8-176-422, whose office is in the Banking area and Avenida Manuel Maria Icaza, Angeliki Building, First Floor in this city, in his capacity as the Second Notary in and for the Circuit of Panama, for the purpose of making the following statements:

- “1. Declare null, as illegal, the Nuncupative Will granted by **WILSON CHARLES LUCOM (R.I.P.)** by way of Public Deed No. 6646 of June 20, 2005 and modifications set forth in Public Deeds No. 11,191 of October 20, 2005 and 1,131 of February 3, 2006, granted before the Second Notarial Office in and the for the Circuit of Panama.
2. Declare the nullity of Order No. 1025/173-06 of July 5, 2006, issued by the Fourth Civil Circuit Court in and for the First Judicial Circuit of Panama, thereby declaring open the testamentary succession of **WILSON CHARLES**

LUCOM (R.I.P.), based on the will set forth in Public Deed No. 6,646 of June 20, 2005 and modification set forth in Public Deeds No. 11,191 of October 20, 2005 and 1,131 of February 3, 2006, granted before the Second Notarial Office in and for the Circuit of Panama and thereby constituting the **WILSON C. LUCOM TRUST FUND** as an heir; **HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, MAYO CLINIC OF ROCHESTER, MINNESOTA, MELINDA ISABEL ARIAS DE MORRICE, HILDA JULIE ARIAS DE ABDELNOUR, MADELAINE ANTONIA ARIAS PIZA, GILBERTO ARIAS PIZA, MARGARITA DEL CARMEN ARIAS PIZA or MARGARITA ARIAS ALLISON, NORAH GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA ITZEL RAMOS HERRERA, ISRAEL DEL CARMEN TEJADA CUERVO, EDILBERTO SOTO, WILSON C. LUCOM FOUNDATION and END WAR TRUST foundation as legatees; and RICHARD SAM LEHMAN as Executor of the testamentary succession of WILSON CHARLES LUCOM (R.I.P.).**

3. Declare the nullity of all proceedings subsequent to the admissibility of the testamentary succession process filed by **RICHARD SAM LEHMAN** in the testamentary succession of **WILSON CHARLES LUCOM (R.I.P.)**, as well as all acts which may be issued by the Fourth Civil Circuit Court in and for the First Judicial Circuit of Panama in the referenced testamentary succession.
4. In the event of a challenge, that the defendants be **SENTENCED** to pay court costs.

WE BASE THE COMPLAINT ON THE FOLLOWING FACTS AND REASONS:

FIRST: WILSON CHARLES LUCOM (R.I.P.) granted a nuncupative will by way of Public Deed No. 6,646 of June 20, 2005, which was modified in Public Deeds No. 11,191 of October 20, 2005 and No. 1,131 of February 3, 2006 of the Second Notarial Office in and for the Circuit of Panama, thereby establishing the **WILSON C. LUCOM TRUST FUND FOUNDATION** as the sole heir, and as legatees, **HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, LANNY CLARK, CASSANDRA CLARK, MAYO CLINIC OF ROCHESTER, MINNESOTA, MELINDA ISABEL ARIAS DE MORRICE, HILDA JULIE ARIAS DE ABDELNOUR, MADELAINE ANTONIA ARIAS PIZA, GILBERTO ARIAS PIZA, MARGARITA DEL CARMEN ARIAS PIZA or MARGARITA ARIAS ALLISON, NORAH GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA ITZEL RAMOS HERRERA, ISRAEL DEL CARMEN TEJADA CUERVO, EDILBERTO SOTO and the END WAR TRUS [sic] FOUNDATION.**

SECOND: RICHARD SAM LEHMAN by and through the Administrative Law Office of **ALVAREZ CROSBIE & ASOCIADOS** requested the opening of the Testamentary Succession proceeding of **WILSON CHARLES LUCOM (R.I.P.)**, which was granted by the Fourth Civil Court in and for the First Judicial Circuit of Panama upon issuing Order No. 1025/173-06 of July 5, 2006.

THIRD: The aforementioned public deeds have formal omissions in their granting, which nullifies the will, as set forth in Article 719 of the Civil Code, inasmuch as the testator Wilson Charles Lucom (R.I.P.), a Saint Kitts national, noted that he did not understand the Spanish language and, in spite of this, the formalities stipulated by law were omitted, which are detailed in the following facts.

FOURTH: Article 713, paragraph 4 of the Civil Code indicates [persons] who do not understand the testator's language cannot be witnesses in the wills, if the same does not know Spanish and testates in his language; however, the public deeds containing the will and its codicils do not reflect that the witnesses mastered the English language.

FIFTH: Article 716, paragraph one of the Civil Code indicates that, “To testate in a foreign language, the presence of two interpreters is required, selected by the testator, who will translate his provision into Spanish...”; however, the public deeds containing the will and its codicils reflect that the **Notary appointed one interpreter**, therefore, there are two omissions: only one interpreter was appointed, instead of two, and that single interpreter was not selected by the testator, but appointed by the Notary. Furthermore, Victor Crosbie is not a certified public interpreter.

SIXTH: Article 716, paragraph two of the Civil Code indicates that “The will shall be written in both languages”; however, the deeds which contain the will and its codicils do not reflect the said circumstance.

SEVENTH: The omission of this requirement has a direct influence on the validity of the act, wherefore its requirement is for the purpose that both the testator as well as the heirs or legatees, will be certain that the provisions given by the grantor accurately reflect his will, and because the will is a very personal act, its formation cannot be partially or completely left to the discretion of a third party, or be made through an attorney-in-fact, as provided in Article 702 of the Civil Code, as in fact, happened, by allowing the interpreter and the Notary to prepare the will without any knowledge of the literal provisions given by the testator.

EIGHTH: Article 726 of the Civil Code provides that “the nuncupative will shall be granted before a Notary and three legally competent witnesses who see and understand the testator, and of whom, at least one knows and can write”; however, in the deeds containing the will and its codicils, there is no evidence of such circumstance.

NINTH: Article 727 of the Civil Code provides: “The testator shall express his last will to the notary and the witnesses. The will, written in accordance therewith and stating the place, year, month, date and time it is granted, shall be read out loud for the testator to state if it concurs with his will...” The will reflects that the same was read out loud before the legally required witnesses.

However, this reading does not indicate the hour or that it was done in the language of the testator, which was essential for the purpose of complying with the requirement set forth in the abovementioned provision.

TENTH: Article 731 of the Civil Code provides that "All formalities set forth in this chapter shall be carried out in one single act, with no interruption being legal..."; however, contrary thereto, the will and its codicils reflect the exact opposite, that is, it was read "interruptedly".

ELEVENTH: The omissions which affect both the will and its codicils, as set forth in the first fact in this complaint, give rise to its nullity by virtue of provisions in Article 719 of the Civil Code inasmuch as the solemnities stipulated therefor were not fulfilled, wherefor the declaration of nullity is filed and, consequently, the Notary who authorized them is liable for damages resulting from his inexcusable negligence or ignorance.

AMOUNT: The amount in this complaint is temporarily set as THIRTY-FIVE MILLION UNITED STATES DOLLARS (US \$ 35,000,000.00) legal tender of the United States of America, unless there is a better valuation by an expert, on account of capital, plus court costs, expenses and legal interest stemming from this action.

SPECIAL MOTIONS:

- For the purpose of establishing competence and precluding the adjudication of the assets while this complaint is decided, based on Article 1520, in concordance with paragraph 2 in Article 261 of the Judicial Code, we move the Court make the pertinent annotation in the testamentary succession proceeding of **WILSON CHARLES LUCOM (R.I.P.)**.
- Pursuant to provisions in Article 1012 of the Judicial Code, in concordance with Law # 12 of October 23, 1975, approving the Inter-American Convention on Letters of Request or Letters Rogatory and Law # 10 of June 18, 1991, whereby the Additional Protocol to the Inter-American Convention on Letters of Request or Letters Rogatory was approved, we

move for issuance of a letter rogatory through the Executive and Panamanian diplomatic or consular agents in the United States of America, specifically in the State of Florida, for service of process to defendant RICHARD SAM LEHMAN, domiciled at 2600 N. Military Trail, Suite 270, Boca Raton, Florida, 33431, United States of America. For the pertinent purposes, we will provide the English translation of this complaint in a timely manner.

- We hereby state under oath that it is not possible to attach hereto the evidence of the existence of representation for the **MAYO CLINIC OF ROCHESTER, MINNESOTA, WILSON C. LUCOM TRUST FUND FOUNDATION** or the **END WAR TRUS** foundation inasmuch as legal representation and the domicile of the same is unknown. In said respect, we move the Court order the aforementioned artificial persons be summoned as provided in Article 671 in concordance with Article 1017 of the Judicial Code.

- By virtue of the fact that the whereabouts are unknown as to **ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, LANNY CLARK, CASSANDRA CLARK, NORAH GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, DR. PETER HIBBERD, MARIO BOYD, TANYA RAMOS, EDILBERTO SOTO**, we move the Court order summons by publication pursuant to provisions in Article 1016 of the Judicial Code.

EVIDENCE: Attached hereto, as such, are:

1. Authenticated copy of Public Deed No. 14,113 of August 16, 2006, whereby HILDA ANTONIA PIZA BLONDET grants an ample and sufficient general power of attorney to INFANTE & PEREZ ALMILLANO.
2. Marriage Certificate of HILDA PIZA BLONDET and WILSON CHARLES LUCOM, issued by the Panama Civil Registry;
3. Death Certificate of Mr. WILSON CHARLES LUCOM, issued by the Panama Civil Registry;

4. Authenticated copy of Public Deed No. 6,646 of June 20, 2005, whereby WILSON CHARLES LUCOM grants the Nuncupative Will, issued by the Second Notarial Office in and for the Circuit of Panama.
5. Authenticated copy of Public Deed No. 11,191 of October 20, 2005, whereby WILSON CHARLES LUCOM grants the Will, issued by the Second Notarial Office in and for the Circuit of Panama.
6. Authenticated copy of Public Deed No. 1,131 of February 3, 2006, whereby WILSON CHARLES LUCOM grants the Will, issued by the Second Notarial Office in and for the Circuit of Panama.
7. Certificate issued by the Public Registry, evidencing the WILSON C. LUCOM TRUST FUND FOUNDATION does not exist;
8. Certificate issued by the Public Registry, evidencing the MAYO CLINIC OF ROCHESTER, MINNESOTA, does not exist;
9. Certificate issued by the Public Registry, evidencing the END WAR TRUS [sic] Foundation does not exist.

LAWS: Articles 702, 713, paragraph 4; 716, 717, 719, 726, 727, 731 and 737 of the Civil Code; Articles 261, paragraph 2; 671, paragraph 3; 678, 662, 664 and 1017 of the Judicial Code.

Panama, August 18, 2006

INFANTE & PEREZ ALMILLANO

/s/ Illegible

HECTOR E. INFANTE

WILSON LUCOM -DECLARATORY PROCEEDING FOR NULLITY
M/D Civil

FOURTH CIVIL CIRCUIT COURT IN AND FOR
THE FIRST JUDICIAL CIRCUIT OF PANAMA

[Illegible]

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