

To the creditors of  
**ESFIL - Espirito Santo Financière SA**

Dear Sir,

**Re: PROCESS FOR FILING YOUR CLAIM AGAINST ESFIL- ESPIRITO SANTO FINANCIERE SA  
UNDER BANKRUPTCY**

As a creditor of **ESFIL - ESPIRITO SANTO FINANCIERE S.A.**, you should declare your claim in accordance with the procedure set out below.

**EXECUTIVE SUMMARY:**

**I. FILL-IN THE FORM OF STATEMENT OF CLAIMS**

Please use the form of statement of claim available on the website:  
[www.espiritosantoinsolvencies.lu](http://www.espiritosantoinsolvencies.lu).

Please note that the receiver will accept statement of claims written in English.

**II. SUPPORTING DOCUMENTATION**

Please ensure you have attached to your statement of claim the supporting documentation, evidencing your claim.

**III. SEND ORIGINAL OF YOUR STATEMENT OF CLAIM TO THE COURT**

The original of your statement of claim and the supporting documents must be sent to:

Grefte du Tribunal de Commerce  
Cité Judiciaire, Bâtiment CO  
Plateau du Saint-Esprit  
L-2080 Luxembourg

.../...

Any change in the address of the creditor must be notified to the Court at the above address.

**IV. IMPORTANT REMARK**

There might be costs associated with the statement of your claim (legal fees, costs related to the issuance of documents by Paying Agents, Clearing systems, other parties involved in issuance of securities). You are responsible for such costs. The bankruptcy estate will not be liable for ANY cost or fee or expense linked to the filing, approval or litigation or any expense whatsoever linked to your statement of claims against ESFIL - Espirito Santo FinancièreSA.

**V. PERSONAL INFORMATION**

As indicated in the Communication n°1 of the bankruptcy receiver available on [www.espiritosantoinsolvencies.lu](http://www.espiritosantoinsolvencies.lu) , the bankruptcy receiver will not respond to individual requests.

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**STEP 1: COMPLETE THE ATTACHED FORM OF STATEMENT OF CLAIM (*DÉCLARATION DE CRÉANCE*)**

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The numbers below correspond to the numbers on the statement of claim

1) *"Je soussigné..."*

➔ Complete identity of the creditor :

- (i) for individuals: name, surname, date and place of birth, address + attach a copy of your ID card;
- (ii) for corporations: company name, place of incorporation, registered office, registration number + attach a recent excerpt from the relevant trade registry and a copy of the constitutional documents of the corporation;
- (iii) Please add an email address where the bankruptcy receiver can contact you;
- (iv) Please note that a statement of claim is personal to a creditor, and unless an agreement provide evidence that someone can file a claim on behalf of other persons, a filing made by a person who does not effectively hold the claim, might not be accepted;
- (v) REMARKS:

(a) For issuance program where a claim can be filed on behalf of all bondholders by a Trustee, please contact directly the Trustee to see whether a common claim will be filed by the Trustee. If this is the case, please do NOT file a claim with the Bankruptcy estate and rely on your Trustee only. The bankruptcy receiver will not tell you whether a claim has been filed by your Trustee or not.

(b) Any **change in a creditor's address** must be notified to the Court at the address referred under Step 3 below.

2) *“élisant domicile à »*

- ➔ This is where you elect your domicile with an agent (law firm, others) in Luxembourg-city for the purpose of receiving communication from the Court.
- ➔ By law, absent an election of domicile in Luxembourg, all communications will be deemed validly made if served to the Court.
- ➔ The bankruptcy receiver is currently discussing with the Court in order to facilitate the communication process with creditors. A separate communication shall be made in due course.

3) *“requiers par la présente l'admission au passif privilégié / chirographaire”*

➔ Rank your claim:

- (i) If you are a preferred creditor, e.g. you benefit from a security interest, lien, pledge, right *in rem* or mortgage securing your claim, please indicate that you require your admission to the *“passif privilégié”*. Please note that a guarantee does not provide for a preferred right.
- (ii) If you are NOT a preferred creditor, e.g. you do NOT benefit from a security interest as listed under 2) (i) above, please indicate that you require your admission to the *“passif chirographaire”*.

4) *“pour le montant de ...”*

➔ Indicate the currency and amount of the claim:

- (i) Nominal amount;
- (ii) Interest due as at 10.10.2014. For bondholders, please contact the Paying Agent or Fiscal Agent, as applicable, to obtain correct figures and calculation of the amount of interest due;
- (iii) Default interest to be separated from Interest under 3) ii) above.

5) *“du chef de...”*

➔ Provide the justification/ground for your claim :

- (i) If you are a service provider/supplier, indicate:
  - type of services provided
  - name of agreement and date

(ii) if you are a former employee, indicate :

- date of employment agreement
- date of notice period (if any)

(iii) if you are a bondholder/noteholder, indicate:

- your capacity (bondholder, trustee, agent )
- name of the program
- ISIN Code
- the identity of the custodian registered with Euroclear/Clearstream

6) Euroclear Instruction Reference/Clearstream Blocking Reference :

- ➔ If you are a bondholder, please indicate the Euroclear instruction reference or Clearstream Blocking Reference. Any change to this numbering will have to be communicated through the Court's clerk as soon as possible.

7) *"j'affirme que ma présente créance est sincère et véritable"*

- ➔ means "I confirm that this claim is sincere and true", which is a statement required by law in order to ensure the validity of the statement of claim.

8) *"Je demande que d'éventuels versements soient effectués sur mon compte °..... auprès de la Banque..."*

- ➔ Indicate your bank account number with IBAN reference and BIC reference and the name of your bank for processing payment of monies at the closure of the bankruptcy.

9) *"Fait à..."*

- ➔ Indicate the place where you have signed the statement of claim

10) *"Le..."*

- ➔ Add the date

11) *"Signature:...."*

- ➔ Sign:

- (i) for corporations: the statement of claim must be signed by the authorized signatories for the corporation. Attach evidence of such power.

## **STEP 2 : ATTACH THE SUPPORTING EVIDENCE TO YOUR CLAIM**

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The signed statement of claim must be accompanied by supporting documents evidencing your claim against ESFIL - ESPIRITO SANTO FINANCIERE S.A.

- (i) if you are a service provider/supplier, please attach:
  - copy of the contract signed between you and the company;
  - copy of your unpaid invoices
  - any material correspondence with the company
- (ii) if you are a former employee, please attach:
  - copy of your employment agreement
  - copy of your redundancy letter
  - last salary slip
- (iii) if you are a bondholder/noteholder, please attach:
  - statement of account with your bank;
  - document evidencing the relationship between your bank and the participant registered with Euroclear/Clearstream (sub-custodian agreement, certificate from your bank certifying that it is under custody with the relevant participant with Euroclear/Clearstream)
  - Euroclear/Clearstream statement evidencing the relationship between the participant and the securities\*
  - confirmation that the bonds/notes you are holding are blocked with Euroclear/Clearstream\*

\* Further to a specific arrangement between the bankruptcy receiver and Euroclear/Clearstream, Euroclear and Clearstream will DIRECTLY provide the bankruptcy receiver with relevant information regarding the owner of the relevant securities. The blocking reference number from Euroclear/Clearstream can only be obtained through your bank. Please request your bank to provide you with such reference number.

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**STEP 3 : SEND THE ORIGINAL TO THE COURT**

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The original of your declaration and the supporting documents must be sent to:

Greffé du Tribunal de Commerce  
Cité Judiciaire, Bâtiment CO  
Plateau du Saint-Esprit  
L-2080 Luxembourg

The Court will record your claim in its books before sending the original of your claim to the bankruptcy receiver.

The bankruptcy receiver does not take responsibility for filing creditors claim with the Court.

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## TIMING

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The first deadline for filing the claim has been fixed by the Court to 27 October 2014. However, this date is NOT compulsory.

Creditors that do not submit a claim declaration within the first deadline fixed by the bankruptcy judgment may declare and prove their claim at a later stage.

New deadlines for filing of claims will be fixed in due course.

Once your claim is filed, the Court will convene a hearing where the claims will be verified and admitted to the estate of company or challenged.

The process for verifying the claims will be long.

Neither the Court nor the bankruptcy receiver will provide individual update as to the status of admission of a creditor's claim.

However, the creditor will be informed once his/claim has been admitted or if it is challenged.

The first hearing for verifying the claims has been fixed on **11 November 2014, at 9.00 a.m.**, CO.1.26 (Cité Judiciaire, 7 rue du St Esprit, 1<sup>st</sup> floor).

The first hearing for the debates on the claims that are rejected by the Court appointed judge and the bankruptcy receiver has been set to **28 November 2014, at 9.00 a.m.** CO.1.26 (Cité Judiciaire, 7 rue du St Esprit, 1<sup>st</sup> floor).

Att.: ESFIL - Creditors  
Re: PROCESS FOR FILING A CLAIM AGAINST ESFIL  
Date: 03/11/2014

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## CONTACT DETAILS OF THE BANKRUPTCY RECEIVER

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Laurence Jacques  
info@esfilinsolvency.lu  
4, rue de Chiny  
L-1334 Luxembourg\*

Please be informed that the bankruptcy receiver will not respond to individual requests.

If you shall require legal advice, we kindly suggest you to contact a local counsel.

Where appropriate, she will publish standardized answers to frequently asked questions on the website: [www.espiritasantoinsolvencies.lu](http://www.espiritasantoinsolvencies.lu).

\*Last update: 2021