

NOTICE OF CLAIM

CROWN GUARANTEE – MASCOT FINANCE LIMITED (“MASCOT”) – CORPORATE CLAIMANT

This Form is a “Notice of Claim” referred to in the *Crown Deed of Guarantee (Non-Bank Deposit Taker)*. This Form is to be used for companies and other corporate bodies, (“**Entities**”) claiming under a deed of guarantee made under the government’s retail deposit guarantee scheme (the **Retail Deposit Guarantee Scheme**). Trustees and nominees should **not** use this form, but instead should use the Notice of Claim form(s) for bare trustees or for trustees of discretionary trusts.

All claims by an Entity must be included on a single Notice of Claim form.

The details of the Crown’s Guarantee are set out in the Crown Deed of Guarantee made with Mascot dated 12 January 2009 (the **Mascot Crown Guarantee**). A copy of the Mascot Crown Guarantee can be accessed on the Treasury’s website at: <http://www.treasury.govt.nz/economy/guarantee/retail/approved/nbdt>.

The Crown guarantees moneys owed to all eligible holders of Mascot debt securities by Mascot (including interest) up to a maximum amount of NZ \$1,000,000 (one million New Zealand dollars).

This form requires the Entity to make a Statutory Declaration which must be made by someone authorised to do so on its behalf, before a Barrister and Solicitor, Justice of the Peace, or other person authorised to take a statutory declaration. The person signing this form must also make a Statutory Declaration that he or she has authority to make the Declaration on behalf of the Entity.

The Entity is advised to seek independent legal advice before this declaration is signed on its behalf.

References to “we” or “us” in this declaration are references to the Entity.

Capitalised terms used in this Notice of Claim that are not defined here are defined in the Mascot Crown Guarantee.

Mail the completed form to: Retail Deposit Guarantee Scheme
The Treasury
P O Box 3724
WELLINGTON 6140

Notes on the Notice of Claim (please read before completing this form)

- Why does the Entity need to provide all this information to the Crown when making its claim?
The Crown needs this information to process the Entity’s claim properly. For instance, the Crown needs to know how to contact the Entity and where to make payment to the Entity. In addition the Crown needs to have evidence that the Entity holds debt securities from Mascot. That is why the Crown requires that the Entity provides us with the Mascot certificates, notes, passbooks, and/or acknowledgements that it holds.
- Where the Entity holds different kinds of Mascot debt securities, does a form have to be completed for each kind of debt security the Entity holds?
No. Only one form needs to be completed in respect of all kinds of Mascot debt security that the Entity holds. However it will be necessary to specify in this form each kind of debt security that the Entity does hold.
- Why is it necessary to provide all the details the form requires about the Entity?
To make sure the Crown makes payment to the right Creditor, and only to eligible Creditors.
- Why does the Crown need the Entity’s IRD number and details of its Resident Withholding Tax rate?
To make sure that the Crown makes the correct deductions for tax when it makes payment the Entity. This is no different from the tax deductions made by Mascot when making interest payments.
- What is a “bare trustee”?
A person acting as trustee for one or more persons (beneficiaries) who has no duties as trustee except to act on the directions of his or her beneficiaries.
- What is a “discretionary trust”?
A trust will be a discretionary trust where the trustees have a discretion as to how and when beneficiaries are to receive any benefit from the trust.
- Who is a Related Party?
This is someone who (whether an individual or not) (i) is a director of Mascot; (ii) is a senior office holder of Mascot; (iii) is a relative of a director or a senior office holder; (iv) owns, has the power to control (directly or indirectly) or has the right to acquire 10% or more of Mascot’s ordinary shares or the voting rights in Mascot; (v) has control (directly or indirectly) or significant influence over 25% or more over the people comprising Mascot’s board of directors. Related Parties are not eligible to receive any payment under the Mascot Crown Guarantee.
- Who else is not eligible to receive payment under the Retail Deposit Guarantee Scheme?
Persons who are ineligible to receive the benefits of the Retail Deposit Guarantee Scheme include (i) persons who are neither New Zealand citizens nor New Zealand residents for tax purposes; (ii) building societies or banks; (iii) insurers (including life insurers); (iv) a person carrying on business as a share broker, an investment adviser, or a fund manager; (v) any other person who carries on the business of borrowing and lending money, and/or providing financial services; (vi) trustees, nominees or agents of any of the foregoing or of a Related Party (vii) certain other persons related to the foregoing.
- What happens once the Entity is paid out under the Mascot Crown Guarantee?
The Crown is entitled to take over its rights against Mascot.

OFFICE USE ONLY

Claim Number: _____ Date Received: __/__/__

Approved /Declined: _____ Signed: _____ Name: _____ Date: __/__/__

Total Payment: _____ Principal: _____ Interest: _____ Tax: _____ Date paid: __/__/__

DECLARATION

[Empty box for full legal name entity]

of

[Empty box for registered office]

[full legal name entity]

[registered office]

solemnly and sincerely declare that:

1 DEMAND

1.1 We hold debt securities issued by Mascot under Trust Deed dated 5 August 1988 as amended by Deeds of Variation dated 28 February 1997 and 9 May 2003 and by Deed of Modification dated 18 April 2005 (**debt securities**). The principal moneys, interest payable and other moneys payable under our debt securities (the **monies owing**) have become due and payable. Mascot has failed to pay us the monies owing to us. We therefore make claim (in the amount described below) on the Crown under, in accordance with, and subject to, the terms of the Mascot Crown Guarantee for payment of the monies owing to us by Mascot.

2 DETAILS OF ENTITY MAKING CLAIM AND CONTACT DETAILS

2.1 The Entity's full legal name is [Empty box]

Company Number (or similar registration) [Empty box]

The Entity's Address [Empty box]

The Entity's address in the records of Mascot (if different) is [Empty box]

Contact person for communications in connection with this claim: [Empty box]

Telephone [Empty box] (day) [Empty box] (evening) [Empty box] (mob)

Email* [Empty box]

Do not communicate by email communication (*this will be used as your address for correspondence unless you tick this box)

2.2 The Entity [is] / [is not] currently a New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007).

[delete one]

The Entity 's New Zealand IRD number is: [Empty box]

If the Entity's IRD number is not shown, RWT will be deducted at the no-declaration rate of 39%.

The Entity's Resident Withholding Tax rate is: Or confirm in writing that the Entity holds a current Certificate of Exemption and if a Category B recipient, provide a copy of that Certificate of Exemption as supplied by the Inland Revenue Department.

2.3 [delete if not applicable]

The Entity is acting as an agent [and attach a certified copy of the relevant agency agreement]

The Entity holds the deposit/deposits described below as agent for: [Empty box]

[Where the Entity is acting as agent, please contact the Mascot Finance DGS Claims Helpline, telephone 0508 283 283 for further guidance before completing this Form. For international callers please call + 64 4 917 6140.]

2.4 [delete if not applicable]

The Entity is one of a number of joint holders of Mascot debt securities

[Where the Entity is acting as one of a number of joint holders, please contact the Mascot Finance DGS Claims Helpline, telephone 0508 283 283 for further guidance before completing this Form. For international callers please call + 64 4 917 6140.]

3 CLAIM

3.1 The Entity is a Creditor of Mascot, and currently hold debt securities issued by Mascot for the total principal amount of ¹ (excluding interest), and on the following terms:

Start date	<input type="text"/>	Repayment due date	<input type="text"/> (please specify if on call)
Interest rate applicable	<input type="text"/>	Mascot Investment Number:	<input type="text"/>
Start date	<input type="text"/>	Repayment due date	<input type="text"/> (please specify if on call)
Interest rate applicable	<input type="text"/>	Mascot Investment Number:	<input type="text"/>
Start date	<input type="text"/>	Repayment due date	<input type="text"/> (please specify if on call)
Interest rate applicable	<input type="text"/>	Mascot Investment Number:	<input type="text"/>

If you hold more than three investments, please complete and attach a supplementary schedule.

3.3 Enclosed are all the original deposit certificates/deposit acknowledgements/stock certificates/stock acknowledgements/other documentary evidence of Mascot debt securities that the Entity holds. *[delete whichever is not applicable]* ²

3.4 The Entity [is] / [is not] a Related Party to Mascot as defined in the Mascot Crown Guarantee. *[delete one]*

3.5 The Entity [is] / [is not] a Financial Institution as that term is defined in the Mascot Crown Guarantee. *[delete one]*

3.6 The Entity [is] / [is not] claiming as a trustee, nominee, or agent of a Related Party or any other person who is not eligible to receive payment under the Mascot Crown Guarantee. *[delete one]*

3.7 The Entity [does] / [does not] hold a debt security from Mascot under any other name. *[delete one]*
If you do hold a debt security under any other name then please provide particulars of other names.

3.8 The Entity [does] / [does not] owe Mascot any money. *[delete one]*
If you do owe Mascot any money then please provide particulars.

4 PAYMENT IF THE CLAIM IS APPROVED

If the claim is approved, payment can be made by:

4.1 a. (preferred option) direct credit to the following bank account of the Entity.
If the bank account is different from Mascot Finance records, please provide a printed bank deposit slip.

Bank	<input type="text"/>
Account name	<input type="text"/>

Account Number / / /

Bank Branch Account Suffix

b. By cheque (posted to the address supplied above)
A statement of final payment will be sent at the time of payment.

5 FURTHER DECLARATIONS AND ACKNOWLEDGMENTS

5.1 It is acknowledged and agreed that save in the case of manifest error, the payment to the Entity by the Crown of the Entity's full entitlement under the Mascot Crown Guarantee in respect of any Mascot debt securities will constitute full and final discharge of the Crown's obligations to the Entity in respect of those debt securities under that guarantee.

5.2 It is acknowledged that advice has been given to take independent legal advice in relation to this declaration and this has been done, or the Entity has freely chosen not to do so.

5.3 The Treasury is the collecting and holding agency for the information provided as part of this notice of claim. The Treasury's offices are located at 1 The Terrace, Wellington.

- 5.4 It is understood that:
- The information being collected by the Crown for the purposes of this notice of claim will be used to enable the Crown to assess, process, validate and verify the information provided as part of or with this notice of claim;
 - That if the information requested by the terms of this notice of claim is not provided, the Crown will not be able to process this claim under the Mascot Crown Guarantee; and
 - Any personal information provided by or from an individual that is contained in or forms part of this notice of claim may be accessed by that individual or may be sought to be corrected by that individual pursuant to privacy principles 6 and 7 and other relevant provisions of the Privacy Act 1993.

¹ If your debt securities are denominated in a currency other than New Zealand dollars, strike out "NZ" and insert the applicable currency denomination

² Please enclose all original certificates and notes you hold evidencing debt securities that have been issued by Mascot (including where you hold different kinds of debt securities). It is suggested that the Entity retains certified true copies of each of the different kinds of debt securities it holds in Mascot.

Notice of Claim – Crown Guarantee – Mascot Finance Limited – Corporate Claimant

- 5.5. The Crown may seek and receive any information that it requires in order to verify the information contained in or provided as part of this notice of claim, from any source whatsoever including Mascot, Mascot's trustee, any receiver or insolvency administrator appointed to Mascot, the Reserve Bank, the Inland Revenue Department, the Companies Office, the Department of Internal Affairs and any agent or contractor of the Crown retained to process this application.
- 5.6 The Treasury may share the information contained in or provided as part of this notice of claim, and other information relevant to this notice of claim with other persons (including, but not limited to, Mascot, Mascot's trustee, any receiver or insolvency administrator appointed to Mascot, the Reserve Bank, the Inland Revenue Department, the Companies Office, the Department of Internal Affairs and any agent or contractor of the Crown retained to process this application) for the purpose of verifying, assessing and processing this notice of claim and for facilitating Crown recovery against Mascot.
- 5.7 It is acknowledged and agreed that on and following payment of the Entity's claim in full under the Mascot Crown Guarantee in respect of a Mascot debt security:
 - The Crown is entitled to acquire all rights, title and interest that the Entity has in that Mascot debt security and all rights, remedies, security or other choses in action the Entity has or may have under or arising out of Mascot's Trust Deed; and
 - The Entity hereby absolutely assigns and transfers to the Crown every right, title and interest that it has as a consequence of holding that Mascot debt security and to which the Crown is entitled by law to have assigned and transferred to it; and
 - The Entity will do such acts and sign such documents as the Crown may reasonably request in order to enable the Crown (or its specified nominee) to acquire by vesting, assignment or otherwise:
 - such rights, title and interest in that Mascot debt security; and
 - such other rights, remedies, security or choses in action that the Entity has or may have under or arising out of Mascot's Trust Deed, as (in each case) the Crown may require.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957

Signed by [full name of Entity] by its duly authorised signatory

Declared at this day of 2009

Before:
[Signature]

Name of person authorised to take statutory declaration:
[Full name printed]

Being a Barrister and Solicitor, Justice of the Peace, or other person authorised to take a statutory declaration.

DECLARATION OF AUTHORISED SIGNATORY

of
[full name of authorised signatory] [place of abode]

[occupation]

solemnly and sincerely declare that:

AUTHORITY

I have authority to make this declaration on behalf of [] [full name of Entity]. I attach evidence of my Authority (for example, Director's Certificate, Board Resolution). I understand that I will be the contact person for the purposes of this claim.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957

Signature

Declared at this day of 2009

Before:
[Signature]

Name of person authorised to take statutory declaration:
[Full name printed]

Being a Barrister and Solicitor, Justice of the Peace, or other person authorised to take a statutory declaration