

# NOTICE OF CLAIM

## CROWN GUARANTEE – MASCOT FINANCE LIMITED (“MASCOT”) – INDIVIDUAL CLAIMANT

This form is a “Notice of Claim” referred to in the *Crown Deed of Guarantee (Non-Bank Deposit Taker)*. This form is for **Individuals** (including joint holders who are individuals and those claiming on behalf of individuals) claiming under a deed of guarantee made under the government’s retail deposit guarantee scheme (the **Retail Deposit Guarantee Scheme**). This form is **not** for use by for companies and other corporate bodies nor is it to be used by Trustees. There are separate claim forms for each of these kinds of entities which may be accessed on the Treasury’s website at [www.treasury.govt.nz](http://www.treasury.govt.nz).

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

If debt securities are held jointly with one or more individuals, one of the joint holders must complete this Notice of Claim (Individual Claimant) for himself or herself (“the Principal Claimant”). Each other joint holder is to complete the “Schedule to Notice of Claim” which is available on the Treasury’s website at [www.treasury.govt.nz](http://www.treasury.govt.nz). The Principal Claimant should ensure that the Schedule (or Schedules) is (or are) attached to this Notice before it is returned to the Treasury. 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 [www.treasury.govt.nz](http://www.treasury.govt.nz)

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 you to make a Statutory Declaration which must be made before a Barrister and Solicitor, Justice of the Peace, or other person authorised to take a statutory declaration. Where debt securities are held jointly with one or more individuals, then the Schedule to Notice of Claim requires the other joint holders completing the same to also make a statutory declaration

You are advised to seek independent legal advice before signing this declaration.

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 do I need to provide all this information to the Crown when making my/our claim?  
*The Crown needs this information to process your claim properly. For instance, the Crown needs to know how to contact you and where to make payment to you. In addition the Crown needs to have evidence that you hold debt securities from Mascot. That is why The Crown requires that you provide the Crown with the Mascot certificates, notes, passbooks, and/or acknowledgements that you hold.*
- Where I hold different kinds of Mascot debt securities, do I have to fill out a form for each kind of debt security I hold?  
*No. You need to only fill out one form in respect of all kinds of Mascot debt security that you hold. However you will need to specify in this form each kind of debt security you do hold.*
- Why do I need to provide details of my identity?  
*To make sure the Crown makes payment to the right person. In addition the Retail Deposit Guarantee Scheme only operates for the benefit of New Zealanders or for non New Zealanders that are resident here for tax purposes.*
- Why does the Crown need my IRD number and details of my Resident Withholding Tax rate?  
*To make sure that the Crown makes the correct deductions for tax when the Crown makes payment to you. This is no different from the tax deductions made by Mascot when making interest payments to you.*
- Who is a Related Party?  
*This is someone who (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 I am paid out under the Mascot Crown Guarantee?  
*The Crown is entitled to take over your rights against Mascot.*

#### OFFICE USE ONLY

Claim Number: \_\_\_\_\_ Date Received: \_\_/\_\_/\_\_

Approved /Declined: \_\_\_\_\_ Signed: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_/\_\_/\_\_

Total Payment: \_\_\_\_\_ Principal: \_\_\_\_\_ Interest: \_\_\_\_\_ Tax: \_\_\_\_\_ Date paid: \_\_/\_\_/\_\_

## DECLARATION

I  of   
[full name] [place of abode]

[and occupation]

solemnly and sincerely declare that:

### 1 DEMAND

1.1 I 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 my debt securities (the **moneys owing**) have become due and payable. Mascot has failed to pay me the moneys owing to me. I 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 me by Mascot.

### 2 MY IDENTITY (AS RECORDED BY MASCOT)

2.1 My full name is   
as per relevant certificate or acknowledgment

2.2 My current residential address is

My full address in the records of Mascot (if different) is

2.3 My contact details are

Postal Address   
(if different from current residential address)

Telephone     
(day) (evening) (mob)

Email\*

I do not want email communication (\*this will be used as your address for correspondence unless you tick this box)

2.4 I  am /  am not a New Zealand Citizen (pursuant to the Citizenship Act 1977).  
[delete one]

I  am /  am not currently a New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007).  
[delete one]

2.5  I attach a certified copy of my passport or my birth certificate as proof of my New Zealand Citizenship.  
A certified copy being a copy signed by a Barrister, Solicitor, Justice of the Peace or person authorised to make a statutory declaration as a true likeness of the original.

I attach a certified copy of my marriage certificate or change of name by deed poll if investment name differs from that on my birth-certificate.

**Notice of Claim – Crown Guarantee – Mascot Finance Limited – Individual Claimant**

2.6 My New Zealand IRD number is:

My Resident Withholding Tax rate is<sup>1</sup>:  or I attach my Certificate of Exemption as supplied to me by the Inland Revenue Department.

I understand that if I do not provide a correct IRD number, any interest payable will be taxed at the top marginal rate of tax.

**OR**

I am a New Zealand citizen but I am not a New Zealand resident for tax purposes.

My Country of Tax residence is:

2.7 [delete if not applicable]  
I hold the deposit/deposits described below as agent for:

I am an agent (where you are acting as acting as agent for another person, 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.)

(and attach a certified copy of the relevant agency agreement)

I am an/the executor or administrator of an estate in whom the debt securities are vested (and attach a certified copy of documentary evidence that would entitle the executor or administrator to vest the debt securities in his or her own name, as well as a certified copy of the death certificate)

2.8 [delete if not applicable]

I am one of a number of joint holders of Mascot debt securities, the other joint holders being:

Insert details of the full name(s) of each other joint holder

as per [relevant certificate or acknowledgment]

2.9  The joint holders identified above have completed a "Schedule to the Notice of Claim", which is attached to this Notice of Claim.

**3 MY CLAIM**

3.1 I am a Creditor of Mascot, and currently hold debt securities issued by Mascot for the total principal amount of  NZ\$<sup>2</sup> (excluding interest), and on the following terms:

Start date  Repayment due date  (please specify if on call)

Interest rate applicable  Mascot Investment Number:

Start date  Repayment due date  (please specify if on call)

Interest rate applicable  Mascot Investment Number:

Start date  Repayment due date  (please specify if on call)

Interest rate applicable  Mascot Investment Number:

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

3.2  I attach my deposit certificates/deposit acknowledgements/stock certificates/stock acknowledgements/other documentary evidence of my debt security. (delete whichever is not applicable)<sup>3</sup>

3.3 I  am /  am not a Related Party to Mascot as defined in the Mascot Crown Guarantee. [delete one]

3.4 I  am /  am not a Financial Institution as that term is defined / in the Mascot Crown Guarantee. [delete one]

3.5 I  am /  am 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]

3.6 I  do /  do 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.

3.7 I  do /  do not owe Mascot any money. [delete one]  
If you do owe Mascot any money then please provide particulars.

<sup>1</sup> Unless the IRD number of each joint holder is provided, RWT will be withheld at the maximum rate of 39%. Where the IRD number of each joint holder is provided, RWT will be deducted at the greater of 19.5% of the RWT rate elected by one of the joint holders. The Schedule to Notice of Claim includes space for additional joint holders to provide their IRD numbers.

<sup>2</sup> If your debt securities are denominated in a currency other than New Zealand dollars, strike out "NZ" and insert the applicable currency denomination

<sup>3</sup> 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 you retain certified true copies of each of the different kinds of debt securities you hold in Mascot

4 MY PAYMENT, IF MY CLAIM IS APPROVED

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

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

Bank [ ] Account name [ ]

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 I acknowledge and agree that save in the case of manifest error, the payment to me by the Crown of my 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 me in respect of those debt securities under that guarantee.
5.2 I acknowledge that I have been advised to take independent legal advice in relation to this declaration and I have done so, or freely chosen not to do so.
5.3 The Treasury is the collecting and holding agency for the information provided by me in or as part of this notice of claim. The Treasury's offices are located at 1 The Terrace, Wellington.
5.4 I understand that:
- The information being collected by the Crown for the purposes of my 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;
- If I do not provide the information requested by the terms of this Notice of Claim, the Crown will not be able to process my claim under the Mascot Crown Guarantee; and
- I may have access to and may seek to correct any personal information of mine that is held by Treasury pursuant to privacy principles 6 and 7 and other relevant provisions of the Privacy Act 1993.
5.5 I consent to the Crown seeking and receiving any information (including personal information about me) that it requires in order to verify the information contained in this declaration, and the veracity of my 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 Department of Internal Affairs and any agent or contractor of the Crown retained to process this application.
5.6 I consent to Treasury sharing the information in this declaration, and other information relevant to my claim with other parties (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 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 my claim and for facilitating Crown recovery against Mascot.
5.7 I acknowledge and agree that on and following payment of my 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 I have in that Mascot debt security and all rights, remedies, security or other choses in action I have or may have under or arising out of Mascot's Trust Deed; and
- I hereby absolutely assign and transfer to the Crown every right, title and interest that I have 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
- I 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 I have 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

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.