

# NOTICE OF CLAIM (Multiple Trustees)

## CROWN GUARANTEE – MASCOT FINANCE LIMITED (“MASCOT”) – MULTIPLE TRUSTEES 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 by **Trustees** claiming under a deed of guarantee made under the government’s retail deposit guarantee scheme (the **Retail Deposit Guarantee Scheme**) except where the Trustees are already party to a deed of nomination as Nominated Beneficiary. If you are a Nominated Beneficiary, please contact the Mascot Finance DGS Claims Helpline, telephone 0508 283 283. For international callers please call + 64 4 917 6140.

All claims in relation to a particular trust 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 [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 Notice of Claim can only be made in relation to a single Trust that holds Mascot debt securities. If you are Trustee for other Trusts that hold Mascot Debt Securities, you will need to submit separate Notices of Claim for each Trust.

This form requires you to make a Statutory Declaration in your capacity as Trustees which must be made before a Barrister and Solicitor, Justice of the Peace, or other person authorised to take a statutory declaration.

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

References to “We” or us in this declaration are references to the Trustees.

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 we need to provide all this information to the Crown when making our claim?  
*The Crown needs this information to process the claim properly. For instance, the Crown needs to know how to make contact and where to make payment, to you as Trustees. In addition, the Crown also needs to have evidence that you as Trustees hold debt securities from Mascot. That is why the Crown requires that it be provided with the Mascot certificates, notes, passbooks, and/or acknowledgements that you hold as Trustees.*
- Where we hold different kinds of Mascot debt securities in respect of a particular Trust, do we have to fill out a form for each kind of debt security we hold?  
*No. Only fill out one form in respect of all kinds of Mascot debt security that you hold as Trustees for a particular Trust. However you will need to specify in this form each kind of debt security you do hold as Trustees.*
- Why does the Crown need an IRD number and details of a Resident Withholding Tax rate?  
*To make sure that the Crown makes the correct deductions for tax when the Crown makes payment to you as Trustees for a specific Trust. 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 trustee(s) have the power to select which beneficiaries benefit from the trust and how/when beneficiaries receive any benefit from the trust.*
- What is a Nominated Beneficiary?  
*Someone who is already party to a Deed of Nomination (usually a trustee) who is more than a bare trustee, and who represents the claims of others in Mascot through a collective investment scheme or a unit trust.*
- 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 the benefit of a guarantee 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 full payment is made to us as trustees 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**

	of	
[full legal name of Trustee]		[registered office/ place of abode]
	of	
[full legal name of Trustee]		[registered office/ place of abode]
	of	
[full legal name of Trustee]		[registered office/ place of abode]

Please complete an additional copy of this page if there are more than three Trustees

As Trustees for the

[full legal name of the Trust]

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 **moneys owing**) have become due and payable. Mascot has failed to pay us the moneys 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 moneys owing to us by Mascot.

**2 DETAILS OF TRUSTEES MAKING CLAIM AND CONTACT DETAILS**

2.1 Trustee's full legal name is	
Company Number (if applicable)	
Trustee's Address	
Trustee's full legal name is	
Company Number (if applicable)	
Trustee's Address	
Trustee's full legal name is	
Company Number (if applicable)	
Trustee's Address	

The Trustees address in the records of Mascot (if different) is

**Notice of Claim – Crown Guarantee – Mascot Finance Limited – Multiple Trustees**

Contact person for communications in connection with this claim:

Telephone

<input type="text"/>	<input type="text"/>	<input type="text"/>
(day)	(evening)	(mob)

Email\*

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

2.2 [only Trustees of bare trusts need complete 2.2]

The Trustees [are] / [are not] New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007).  
[delete one]

The Trust's New Zealand IRD number is (or if the Trust does not have a New Zealand IRD number, the Trustees New Zealand IRD numbers):

The Trust's/Trustees Resident Withholding Tax rate is<sup>1</sup>:

Or confirm in writing that the Trustees hold a current Certificate of Exemption and if a Category B recipient (refer to IRD Guide IR 283), provide a copy of that Certificate of Exemption as supplied by the Inland Revenue Department.

We are bare trustees. As bare trustees we hold the deposit/deposits described below as Trustees for (please attach a list if the space in the box is not sufficient to complete the details):

(specify full name and address of beneficiaries of the bare trust)

**If the bare trust on behalf of which you are completing this Notice of Claim was established in writing, please provide a copy of the Trust Deed or terms of the Trust with this Notice of Claim.**

Are any of the beneficiaries of the bare trust:

- Neither a New Zealand Citizen, nor a New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007)?
- A Related Party to Mascot as that term is defined in the Mascot Crown Guarantee?
- A Financial Institution as that term is defined in the Mascot Crown Guarantee?
- A person acting (directly or indirectly) as a nominee or trustee of a Financial Institution, a Related Party or for a person that is neither a New Zealand Citizen nor a New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007)?

If you have ticked any of these boxes please provide on a separate sheet the full name and address of those beneficiaries to whom any of these statements apply.

2.3 [only Trustees of discretionary trusts need to complete 2.3]

The Trustees [are] / [are not] New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007).  
[delete one]

The Trust's New Zealand IRD number is:

The Trust's Resident Withholding Tax rate is<sup>1</sup>:

Or confirm in writing that the Trust holds a current Certificate of Exemption and if a Category B recipient (refer to IRD Guide IR 283), provide a copy of that Certificate of Exemption as supplied by the Inland Revenue Department.

We are Trustees of a discretionary trust. As Trustees of a discretionary trust, we hold the deposit/deposits described below as Trustees for (please attach a list if the space in the box is not sufficient to complete the details):

(specify full name and address of beneficiaries of the discretionary trust)

**If the discretionary trust for which you are completing this Notice of Claim was established in writing, please provide a copy of the Trust Deed or terms of the Trust with this Notice of Claim.**

Are you (the Trustees), or any of the beneficiaries of the Trust:

- Neither a New Zealand Citizen, nor a New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007)?
- A Related Party to Mascot as that term is defined in the Mascot Crown Guarantee?
- A Financial Institution as that term is defined in the Mascot Crown Guarantee?
- A person acting (directly or indirectly) as a nominee or trustee of a Financial Institution, a Related Party or for a person that is neither a New Zealand Citizen nor a New Zealand Resident for tax purposes (pursuant to the Income Tax Act 2007)?

If you have ticked any of these boxes, please contact the Mascot Finance DGS Helpline, telephone 0508 283 283 for further guidance. For international callers please call + 64 4 917 6140.

<sup>1</sup> We understand that if we do not provide the Trust's IRD number, RWT will be withheld at the maximum rate of 39%. Where the Trust's IRD number is provided, RWT will be deducted at the greater of 19.5% or the rate elected by you.

**Notice of Claim – Crown Guarantee – Mascot Finance Limited – Multiple Trustees**

**3 CLAIM**

3.1 The Trustees are a Creditor of Mascot, and currently hold debt securities (for the benefit of the beneficiaries listed above) issued by Mascot for the total principal amount of  <sup>2</sup> (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"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <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"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <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"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

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

3.2  Enclosed are all the original deposit certificates/deposit acknowledgements/stock certificates/stock acknowledgements/other documentary evidence of Mascot debt securities that the Trustees hold. [delete whichever is not applicable] <sup>3</sup>

3.3 The Trustees  do /  do not hold a debt security from Mascot as trustees for the bare trust, or the discretionary trust, as applicable, under any other name. [delete one] If you do hold a debt security under any other name then please provide particulars of other names.

3.4 The Trustees  do /  do 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 Trustees  
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	<input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/>		
	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 Trustees by the Crown of the Trustees' 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 Trustees 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 Trustees have 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.

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.

<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 the Trustees retain certified true copies of each of the different kinds of debt securities they hold in Mascot.

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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 Trustees' 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 Trustees have in that Mascot debt security and all rights, remedies, security or other choses in action the Trustees have or may have under or arising out of Mascot's Trust Deed; and
- The Trustees hereby absolutely assign and transfer to the Crown every right, title and interest that they 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
- The Trustees 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 Trustees have or may have under or arising out of Mascot's Trust Deed,

as (in each case) the Crown may require.

And we 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 Trustee ]  
(if Trustee is not an individual, 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.

Signed by [full name of Trustee ]  
(if Trustee is not an individual, 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.

Signed by [full name of Trustee ]  
(if Trustee is not an individual, 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 (IF TRUSTEE IS NOT AN INDIVIDUAL)**

[full name of authorised signatory]

of

[place of abode]

[occupation]

solemnly and sincerely declare that:

**AUTHORITY**

I have authority to make this declaration on behalf of [ ] [full name of Trustee].  
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

Signed by [full name of Trustee ]  
(if Trustee is not an individual, 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

Please complete an additional copy of this page if there is more than one Trustee who are not individuals