

NOTICE OF CLAIM (Trustee)

CROWN GUARANTEE – MASCOT FINANCE LIMITED (“MASCOT”) – TRUSTEE 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 Trustee is 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

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 Trustee which must be made before a Barrister and Solicitor, Justice of the Peace, or other person authorised to take a statutory declaration.

If there is more than one Trustee of the Trust, please contact the Mascot Finance DGS Claims Helpline, telephone 0508 283 283 and a Notice of Claim adapted for signing by multiple Trustees will be forwarded to you. For international callers please call + 64 4 917 6140.

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

References to “I” or me in this declaration are references to the Trustee.

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 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 Trustee. In addition, the Crown also needs to have evidence that you as Trustee 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 Trustee.
- Where I hold different kinds of Mascot debt securities in respect of a particular Trust, do I have to fill out a form for each kind of debt security I hold?
No. Only fill out one form in respect of all kinds of Mascot debt security that you hold as Trustee for a particular Trust. However you will need to specify in this form each kind of debt security you do hold as Trustee.
- 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 Trustee 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 me as trustee 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]

As Trustees for the

[full legal name of the Trust]

solemnly and sincerely declares 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 moneys owing to me by Mascot.

2 DETAILS OF TRUSTEE MAKING CLAIM AND CONTACT DETAILS

2.1 The Trustee's full legal name is

Company Number (if applicable)

The Trustee's Address

The Trustee's address in the records of Mascot (if different) is

Contact person for communications in connection with this claim:

Telephone			
	(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 Trustee [is] / [is 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 Trustee's New Zealand IRD number):

The Trust's/Trustee's Resident Withholding Tax rate is¹:

Or confirm in writing that the Trustee 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.

I am a bare trustee. As bare trustee I hold the deposit/deposits described below as Trustee 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.

¹ I understand that if I 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.

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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 Trustee [is] / [is 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 is¹:

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.

I am a Trustee of a discretionary trust. As a Trustee of a discretionary trust, I hold the deposit/deposits described below as Trustee 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 Trustee), 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.

3 CLAIM

3.1 The Trustee is a Creditor of Mascot, and currently holds debt securities (for the benefit of the beneficiaries listed above) issued by Mascot for the total principal amount of NZ\$² (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 Enclosed are all the original deposit certificates/deposit acknowledgements/stock certificates/stock acknowledgements/other documentary evidence of Mascot debt securities that the Trustee holds. [delete whichever is not applicable]³

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

³ 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 Trustee retains certified true copies of each of the different kinds of debt securities it holds in Mascot.

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- 3.3 The Trustee does / does not hold a debt security from Mascot as a trustee 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 Trustee 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 Trustee
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 It is acknowledged and agreed that save in the case of manifest error, the payment to the Trustee by the Crown of the Trustee'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 Trustee 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 Trustee 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.
- 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 Trustee'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 Trustee has in that Mascot debt security and all rights, remedies, security or other choses in action the Trustee has or may have under or arising out of Mascot's Trust Deed; and
 - The Trustee 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 Trustee 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 Trustee has or may have under or arising out of Mascot's Trust Deed, as (in each case) the Crown may require.

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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.

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