



THE BANK OF NOVA SCOTIA  
Global Wholesale Services  
Derivative Products  
720 King St West, 2nd Floor, Toronto, Ontario, Canada M5V 2T3

February 11 2009

International Swaps and Derivatives Association, Inc.  
Send to: [SmurfitProtocol@isda.org](mailto:SmurfitProtocol@isda.org)

Dear Sirs,

**2009 Smurfit CDS Protocol - Adherence**

The purpose of this letter is to confirm our adherence to the 2009 Smurfit CDS Protocol, as published by the International Swaps and Derivatives Association, Inc. on February 11, 2009 (the "Protocol"). This letter constitutes an "Adherence Letter" as referred to in the Protocol.

The definitions and provisions contained in the Protocol are incorporated into this Adherence Letter, which will supplement and form part of each Covered Transaction (now or in the future) between us and each other Adhering Party, respectively.

**1. Specified Terms**

The amendments in Section 1 and Schedule 1 of this Protocol shall apply to Covered Transactions to which we are a party.

**2. Appointment as Agent and Release**

We hereby appoint ISDA as our agent for the limited purposes of the Protocol and accordingly we waive, and hereby release ISDA from, any rights, claims, actions or causes of action whatsoever (whether in contract, tort or otherwise) arising out of, or in any way relating to, this Adherence Letter or our adherence to the Protocol or any actions contemplated as being required by ISDA.

**3. DTCC Account Number**

For purposes of electronic matching and counterparty recognition, our DTCC Account Number is as follows, but you understand and agree that our failure to provide any such details pursuant to this letter will not affect the legal validity and binding nature of the Protocol with respect to us:

**Legal Entity**

Bank of Nova Scotia  
Bank of Nova Scotia, New York Agency  
Bank of Nova Scotia, Houston

**DTCC Account Number**

00007P12  
00007P13  
0000L635

4. **Contact Details**

Our contact details for purposes of this Adherence Letter are:

Name: Fareena Rahim  
Address: 720 King St West, Toronto Ontario M5V 2T3  
Telephone: 416 866 3381  
Fax: 416 933 2291  
E-mail: fareena\_rahim@scotiacapital.com

We consent to the publication of the conformed copy of this letter by ISDA and to the disclosure by ISDA of the contents of this letter.

Yours faithfully,

THE BANK OF NOVA SCOTIA

By:

Name: Fareena Rahim
Title: Director, Derivative Documentation
Signature: Fareena Rahim