



23 July 2009

**International Swaps and Derivatives Association, Inc.**

**Send to: smallbang@isda.org**

Dear Sirs,

**2009 ISDA Credit Derivatives Determinations Committees, Auction Settlement and Restructuring CDS Protocol – Adherence**

The purpose of this letter is to confirm our adherence to the 2009 ISDA Credit Derivatives Determination Committees and Auction Settlement CDS Protocol as published by the International Swaps and Derivatives Association, Inc. on July 14, 2009 (the **July 2009 Protocol**). This letter constitutes, as between each other July 2009 Adhering Party and us, an Adherence Letter as referred to in the July 2009 Protocol. The definitions and provisions contained in the July 2009 Protocol are incorporated into this Adherence Letter, which will supplement and form part of each Protocol Covered Transaction (now or in the future) entered into between us and each other July 2009 Adhering Party.

If we are not a March 2009 Adhering Party as of the date hereof, this letter also (i) confirms our adherence to the 2009 ISDA Credit Derivatives Determinations Committees and Auction Supplement CDS Protocol published by ISDA on March 12, 2009 (the March 2009 Protocol), and (ii) constitutes, as between each March 2009 Adhering Party that is not a July 2009 Adhering Party and us, an "Adherence Letter" for purposes of, and as defined in, the March 2009 Protocol. This letter will supplement and form part of each "Protocol Covered Transaction" (as that term is defined in the March 2009 Protocol) (now or in the future) entered into between us and each other March 2009 Adhering Party.

**1. Specified Terms**

As between each other July 2009 Adhering Party and us, the amendments in Schedule 1 of the July 2009 Protocol shall apply to Protocol Covered Transactions to which we are a party in accordance with the terms of the July 2009 Protocol.

Directors: L L Dippenaar (Chairman) S E Nkomo (Chief Executive Officer) V W Bantel J H Bester J P Burger L Crouse P M Goss P K Harris W R Janse E G Molege-Selotse  
R K Store B J van der Ross H J van Greuning Company Secretary: B W Unser

RMB Divisional Board: P K Harris (Chairman) A P Pullinger (Chief Executive Officer) M G Field (Chief Financial Officer) P R Gent (Chief Operating Officer) M E Oberholster (Chief Investment Officer)  
J P Burger D J A Craig L L Dippenaar O A Finkel P M Goss R P Grous S E Nkomo A Poppo M W Pien P Phiso K Polley R K Store

2009/03/03



As between each March 2009 Adhering Party that is not a July 2009 Adhering Party and us, the amendments in Schedule 1 of the March 2009 Protocol shall apply to "Protocol Covered Transactions" (as that term is defined in the March 2009 Protocol) to which we are a party in accordance with the terms of the March 2009 Protocol.

**2. Appointment as Agent and Release**

We hereby appoint ISDA as our agent for the limited purposes of the July 2009 Protocol and accordingly we waive any rights and hereby release ISDA from any 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 July 2009 Protocol and March 2009 Protocol, as applicable, 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 Adherence Letter will not affect the legal validity and binding nature of the Protocol with respect to us:

DTCC Account Number: 00001L88

**4. Contact Details**

Our contact details for purposes of this Adherence Letter are:

Name: FirstRand Bank Limited  
(acting through its Rand Merchant Bank Division)  
Address: 1 Merchant Place  
Cnr Fredman Drive and Rivonia Road  
Sandton 2196  
Republic of South Africa  
Telephone: +27 11 282 1841  
Fax: +27 11 269 9597  
E-mail: Ilse.Wentzel@rmb.co.za



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,

**FirstRand Bank Limited**  
**(acting through its Rand Merchant Bank Division)**

By: **Andrew David Stuart**  
Name: **A.D. Stuart**  
Title: **'A' Signatory**

By: **Cecil John Louis Giddy**  
Name: **C.J.L. Giddy**  
Title: **'A' Signatory**