

**Form of Adherence Letter**

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**OWL CREEK**  
ASSET MANAGEMENT LP



640 Fifth Avenue, 20<sup>th</sup> Floor  
New York, NY 10019  
T 212 688-2550  
F 212 753-2760

**12 February 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:

DTCC Account Numbers:

Owl Creek I, L.P.	DTCC# 00009P01	
Owl Creek II, L.P.	DTCC# 00009P02	
Owl Creek Overseas Fund, LTD.	DTCC# 00009P03	
Owl Creek Socially Responsible Investment Fund, LTD.		DTCC# 0000X690
Owl Creek Asia I, L.P.	DTCC# 0000674L	

Owl Creek Asia II, L.P.  
Owl Creek Asia Master Fund, LTD.

DTCC# 0000675L  
DTCC# 0000676L

**4. Contact Details**

Our contact details for purposes of this Adherence Letter are:

Name: Jason Danen  
Address: 640 Fifth Ave, Floor 20, NY, NY 10019  
Telephone: 212-688-2550  
Fax: 212-753-2760  
E-mail: jasond@owlcreeklp.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,

OWL CREEK ASSET MANAGEMENT, L.P.,

Investment Manager of :

Owl Creek I, L.P.; Owl Creek II, L.P.; Owl Creek Overseas Fund, LTD.; Owl Creek Socially Responsible Investment Fund, LTD.; Owl Creek Asia I, L.P.; Owl Creek Asia II, L.P.; Owl Creek Asia Master Fund, LTD.

By:

Name: Dan Sapadin
Title: CFO
Signature: Dan Sapadin