



## BY E-MAIL

International Swaps and Derivatives Association, Inc.  
smallbang@isda.org

Date 23 juli 2009  
Subject Adherence Small Bng Protocol  
E-Mail [Charlotte.stienstra@fortisinvestments.com](mailto:Charlotte.stienstra@fortisinvestments.com)  
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## Fortis Investments

Legal  
Oval Tower

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

De Entree 99  
Postbus 23400  
1100 DX Amsterdam  
Nederland

Dear Sirs,

The purpose of this letter is to confirm our adherence to the 2009 ISDA Credit Derivatives Determinations Committees, Auction Settlement and Restructuring 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.

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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 Settlement 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.

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 March 2009 Protocol, as applicable, 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 July 2009 Protocol and March 2009 Protocol, as applicable, with respect to us:

DTCC Account Number: *Adhering Parties to this Protocol are invited to liaise with their usual contact at Fortis Investments.*

## 4. Contact Details

Our contact details for purposes of this Adherence Letter are:

Fortis Investment NL Holding N.V.

Name: E.C. Stienstra, Head of Legal Netherlands

Address: De Entree 99 (AF0530)

1101HE Amsterdam, The Netherlands

Telephone: +31 (0)20 20357 0520

Fax: +31 (0)20 357 0501

E-mail: FIM\_Legal\_OTC@fortisinvestments.com

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

Yours faithfully,

**Fortis Investment NL Holding N.V.**, for the benefit of its clients, disclosed and undisclosed, and the Collective Investment Funds ("Fund(s)") which are incorporated into various ISDA Master Agreements as amended and supplemented from time to time BETWEEN the relevant Fortis Investment NL Holding N.V. (acting for and on behalf of funds or clients) AND any Broker / Bank Counterparty.

By:

Name: J.L. Roebroek
Title: CEO Netherlands
Signature:

By:

Name: E.C. Stienstra
Title: Head of Legal Netherlands
Signature: