

# M.H. Davidson & Co. GP, L.L.C.

65 East 55th Street, 19th Floor  
New York, New York 10022  
Tel (212) 446-4000  
Fax (212) 371-4318

**September 13, 2010**

**Send to: [hireactprotocol@isda.org](mailto:hireactprotocol@isda.org)**

Dear Sirs,

## **2010 HIRE Act Protocol - Adherence**

The purpose of this letter is to confirm our adherence to the 2010 HIRE Act Protocol as published by the International Swaps and Derivatives Association, Inc. on August 23, 2010 (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 Master Agreement between us and each other Adhering Party.

### **1. Specified Terms**

The amendments in the Attachment to the Protocol shall apply to each Covered Master Agreement to which we are a party in accordance with the terms of the Protocol and this Adherence Letter.

### **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. Contact Details**

Our contact details for purposes of this Adherence Letter are:

Name: M.H. Davidson & Co. GP, L.L.C.  
Address: 65 East 55<sup>th</sup> Street, 19<sup>th</sup> Floor, New York, NY 1002  
Telephone: (212) 446-4053  
Fax: (646) 924-0453  
E-mail: [sleviant@dkpartners.com](mailto:sleviant@dkpartners.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,

M.H. DAVIDSON & CO. GP, L.L.C.  
General Partner, acting on behalf of  
the fund(s) listed in the relevant  
Master Agreement between it and another Adhering Party

By: /s Timothy I. Levart

Name: Timothy I. Levart

Title: Managing Member & Chief Operating Officer