

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 225 OF 2010 ()

BETWEEN:

AMBER FUND (CAYMAN) LTD.
(a company incorporated in the Cayman Islands)

Plaintiff

AND

(1) **SAAD INVESTMENTS COMPANY LIMITED (IN OFFICIAL LIQUIDATION)**
(a company incorporated in the Cayman Islands)

First Defendant

(2) **BANQUE SYZ & CO S.A.**
(a company incorporated under the laws of Switzerland)

Second Defendant

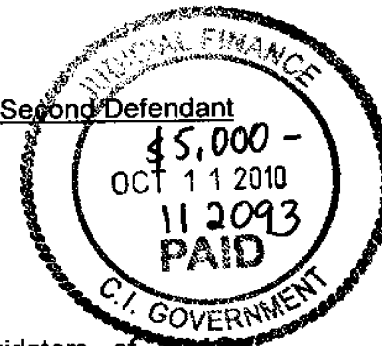
ORIGINATING SUMMONS

TO: Hugh Dickson, Mark Byers and Stephen Akers, joint official liquidators of SAAD INVESTMENTS COMPANY LIMITED (IN OFFICIAL LIQUIDATION), c/o Walkers, 87 Mary Street, George Town, Grand Cayman, Cayman Islands; and

BANQUE SYZ & CO S.A., Rue du Rhône 30, C.P. 5015, CH-1211 Geneva 11, Switzerland.

LET THE DEFENDANTS within days after service of this summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this summons, which is issued on application of AMBER FUND (CAYMAN) LTD. of P.O. Box 309, GT, Grand Cayman, KY1-1104, the Plaintiff seeks relief by way of interpleader as summarised below:



- 1 The Plaintiff pay within 14 days or such longer period as may be agreed, the sum of US\$ 129,273.16 (the "**Sum**") into Court for the credit of this action, and such payment into Court be treated as a discharge of any obligation on the Plaintiff to pay the Sum in accordance with its Articles of Association or otherwise.
- 2 The Defendants appear and state the nature and particulars of their respective claims to the Sum (namely, the proceeds of the redemption by the Second Defendant of 3,429.584391 class U-3/2 shares in the Plaintiff on 26 August 2010) and maintain or relinquish the same and abide by such order as be made thereon.
- 3 The Sum shall be paid into a nominated account and the interest subsequently earned thereon shall accrue for the credit of the successful Defendant by further Order of the Court or by consent of the parties in the Interpleader proceedings.
- 4 The Plaintiff's costs of and incidental to this application be paid to the Plaintiff from the funds paid into Court.
- 5 The Plaintiff be excused and released from further participation in these proceedings.
- 6 Such further or other orders as the Court deems fit.

Dated the 11th day of October 2010.

Maples and Calder

Maples and Calder

NOTE – This Summons may not be served later than 4 calendar months (or, if leave is required to serve out of the jurisdiction, 6 months) beginning with that date unless renewed by Order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by Maples and Calder, attorneys for the Plaintiff, whose address for service is PO Box 309, Uglund House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: MWI/MCK/611163/19711256)

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Maples and Calder
Attorneys-at-Law
PO Box 309
Ugland House
South Church Street
George Town
Grand Cayman KY1-1104
Cayman Islands

Ref: MCK/611163.01

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's Attorney indorsement]

Acknowledgement of service of originating summons (0.10, r.5)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

OF ORIGINATING SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.