

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**



CAUSE NO: FSD 24 OF 2021 (RPJ)

**IN THE MATTER OF THE COMPANIES ACT (2021 REVISION)
AND IN THE MATTER OF BAF LATAM CREDIT FUND**

ORDER

UPON the winding up petition presented on 28 January 2021 by Amissima Assicurazioni Multi-Strategy Fund, a Sub-Fund of Amissima Diversified Income ICAV, Amissima Vita Multi-Credit Strategy Fund, a Sub-Fund of Amissima Diversified Income ICAV, Multi Credit Strategy, a compartment of Athora Lux Invest S.C.Sp and Tranquilidade Multi-Credit Strategy Fund, a Sub-Fund of Tranquilidade Diversified Income ICAV (together the "**Former Petitioners**") seeking an order that BAF Latam Credit Fund (the "**Fund**") be wound up (the "**Petition**")

AND UPON the Summons for Directions issued with the Petition on 28 January 2021 ("**Summons for Directions**")

AND UPON the Former Petitioners having been substituted by BNP Paribas Securities Services Luxembourg (the "**Petitioner**") and the Petition having been amended in the form of an amended petition exhibited to the second affidavit of Brigitte Posch sworn in these proceedings on 12 February 2021 ("**Posch 2**") (the "**Amended Petition**"), pursuant to an order of this Court filed on or about today (the "**Amendment Order**")

AND UPON the Amendment Order providing, *inter alia*, that the Summons for Directions be treated as the summons for directions in relation to the Amended Petition

AND UPON the Petitioner and the Fund having indicated, by the signatures of their respective counsel hereto that they consent to the terms of this Order

BY CONSENT IT IS ORDERED THAT:

1. The Petitioner do file and serve the Amended Petition, do re-serve Posch 2 and other supporting evidence with 14 days of the date that this Order is sealed. Save as aforesaid,

the requirement to serve the Amended Petition on any party other than the Fund and the Cayman Islands Monetary Authority be dispensed with.

2. The Fund shall provide a copy of the Amended Petition and supporting affidavits to all contributories of the Fund upon being served as contemplated in **paragraph 1** of this Order.
3. The Fund shall participate in defending the Amended Petition.
4. The Amended Petition be treated as a proceeding against the Fund.
5. There be no requirement for the Amended Petition to be advertised in the Cayman Islands or elsewhere.
6. The Fund shall file and serve the affidavit evidence upon which it intends to rely within 28 days of being served with the documents referred to in **paragraph 1** of this Order.
7. The Petitioner shall file and serve any reply evidence 21 days thereafter.
8. Within 7 days of the service of reply evidence (or the expiry of the time for the service of reply evidence, if no reply evidence is served), a party wishing to cross-examine any affiant shall give notice in writing to the other party.
9. The parties shall seek to agree a time estimate for the trial of the Amended Petition within 7 days after the expiry of the time period for serving notice of an intention to cross-examine any affiant, and shall jointly approach the Court for a listing of the trial of the Amended Petition.
10. Costs in the Amended Petition.

Dated the day of March 2021

Filed the day of March 2021

THE HONOURABLE JUSTICE PARKER

JUDGE OF THE GRAND COURT

We agree to a consent order in the terms above



Handwritten signature in black ink, appearing to read "Walkers".

Walkers, attorneys-at-law for the Former
Petitioners and the Petitioner



Handwritten signature in blue ink, appearing to read "Campbells".

Campbells, attorneys-at-law for the Fund

This **ORDER** is filed by Walkers, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, for the Former Petitioners and the Petitioners whose address for service is care of its said Attorneys at Law.