

De Nederlandsche Bank

Austrian Central Bank
A-1090 VIENNA
OOSTENRIJK

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Enclosure 1

UNOFFICIAL TRANSLATION OF THE DUTCH-LANGUAGE ORIGINAL

Petition No
9 December 2005

DISTRICT COURT OF AMSTERDAM SECOND SINGLE-JUDGE SECTION

Decision on the petition deposited with the court registry on 9 December 2005 of:

the public limited company (*naamloze vennootschap*) **DE NEDERLANDSCHE BANK N.V.**,
having its registered office in Amsterdam,
petitioner,
procurator Mr D.A. van der Stelt,

which petition is made against:

the public limited company (*naamloze vennootschap*) **VAN DER HOOP BANKIERS N.V.**,
established in Amsterdam,
registered at the Chamber of Commerce and Industry for Amsterdam,
under file number 33139299,
having its registered office and principal place of business in Amsterdam at Herengracht 469,
petitionee,
procurator Mr C.M. Harmsen.

The petitioner is hereinafter referred to as 'DNB'. The petitionee is hereinafter referred to as 'Van der Hoop'.

COURSE OF THE PROCEEDINGS

The oral proceedings took place in open court on 9 December 2005. On that occasion, Mr D.A. van der Stelt clarified DNB's petition. The procurator of Van der Hoop agreed to the petition and to the appointment of court R.J. Schimmelpenninck and Mr H.P. de Haan as receivers.

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GROUNDS UNDERLYING THE DECISION

1. DNB petitions the court to declare Van der Hoop to be in a state which, in the interests of the combined creditors, requires special measures pursuant to sections 71 and following of the Act on the Supervision of the Credit System 1992 (*Wet toezicht kredietwezen 1992*) (the Act), to appoint court R.J. Schimmelpenninck and Mr H.P. de Haan as receivers, to set the duration of validity of this declaration at one-and-a-half years, and to appoint a judge as Examining Magistrate.
DNB bases this petition on the fact that Van der Hoop is a credit institution which has authorization as referred to in section 6(1) of the Act. DNB has observed that Van der Hoop's liquidity position is inadequate now that the balance on sight deposits at Van der Hoop amounts to just over EUR 140 million as at 9 December 2005, while Van der Hoop only has the disposal of credit facilities of EUR 68 million.
In the opinion of DNB, Van der Hoop's solvency also shows a dangerous development, given the longer-term risks, even though it has not yet fallen below the 8 per cent of assets on Van der Hoop's balance sheet, prescribed by DNB in its directives.
DNB considers it to be in the interests of the creditors if the petition were granted.
2. Van der Hoop did not advance a defence. It acknowledges that granting of the petition would be desirable, given the company's current liquidity position.
3. In view of the above, the court considers it necessary to grant the petition.

DECISION

The court:

- declares that the public limited company Van der Hoop, mentioned above, is in a state which requires special measures pursuant to the provisions of sections 71 and following of the Act on the Supervision of the Credit System 1992 (*Wet toezicht kredietwezen 1992*), in the interests of the combined creditors;
- determines that this declaration shall be valid for one-and-a-half years;
- appoints Mr R.H.C. Jongeneel, judge, as Examining Magistrate;
- appoints court R.J. Schimmelpenninck (attorney at law and procurator), P.O. box 75505, 1070 AM Amsterdam, as receiver;

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- appoints Mr H.P. de Haun (chartered accountant), Charlotte Ruyslaan 15, 1902 NL Castricum, as receiver;
- declares this decision to have immediate effect as far as possible.

Passed by Mr W.A.H. Melissen, judge, and pronounced in open court on 9 December 2005, at 20:35 hours, in the presence of Mr A.A.J. Wissink, registrar.