

INSOLVENCY REPORT

Insolvency Report no. **19** by the Administrators of

DSB Bank N.V.

31 October 2013

*The public insolvency reports of DSB Bank N.V. (**DSB Bank**) are published online on the website www.dsbbank.nl. The administrators of DSB Bank (**Administrators**) will also be using these websites in the future to publish other information concerning the case and the progress of the insolvency proceedings.*

MAIN POINTS OF THIS REPORT

- On 1 October 2013, the supervisory judge in this insolvency, M.L.D Akkaya, took up an appointment as justice at the Amsterdam Court of Appeal. He is succeeded by Ms M.J.E. Geradts, who, incidentally, has been involved in the insolvency by Mr Akkaya from the outset.
- In a press release on 25 October 2013, the Administrators announced that, together with the Administrators of DSB Bank and Vereniging DSBspaarder.nl, Vereniging DSBdepositos.nl and Stichting Belangen Rechtsbijstandverzekerden DSB - three organisations representing customers with claims against DSB, are holding the Nederlandsche Bank (**DNB**) liable. Liability stems from the wrongful granting of a banking licence in 2005 and other allegations.
- The Heads of Agreement reached between the Administrators and two Stakeholder Organisations together with five legal assistance organisations (**Stakeholder Organisations**) on 19 September 2011 contains a Scheme (**Scheme**) for the award of compensation in cases of actual or alleged dereliction of the duty of care (mis-selling) applying to existing and former customers of DSB Bank who were sold single-premium payment protection insurance, investment plans or securities-backed lending products and customers with complaints relating to excessive lending. Integral to the Scheme was that application would be made to the Amsterdam Court of Appeal for the Scheme to be declared binding under the provisions of the Collective Mass Claims Settlement Act (WCAM). On 27 May 2013, the Administrators, the Stakeholder Organisations and the insurance companies concerned filed a formal application to this end with the Amsterdam Court of Appeal. The hearing of the formal application by the Court took place on Tuesday, 15 October 2013. The Court's ruling will be given on **Tuesday, 12 November 2013**. See also www.dsbcompensatie.nl (the joint website of the Administrators and the Stakeholder Organisations) as well as Section 5.3 of this report.
- Implementation of the Scheme is progressing smoothly. As at 28 October 2013, out of the 10,000-plus claim files created in response to complaints from customers who had filed complaints with DSB Bank by 18 September 2011, the customers in almost 9,800 of these cases had received responses relating to Phase 1 (compensation for mis-selling of insurance and securities-backed lending products). The customers in more than 7,700 of these cases have accepted the offer made. A number of the customers who have received offers of compensation have also applied for compensation under Phase 2 (compensation for excessive lending) as well and there are also customers who are awaiting a combined offer for Phase 1 and Phase 2.
- Since 19 September 2011, customers who had not previously filed complaints against DSB Bank have been applying for inclusion in the Scheme. As at 28 October 2013, this had led to the preparation of 22,325 claim files. This figure continues to grow weekly. So far the customers in more than 21,000 of these cases have received notice of Phase 1 compensation. Out of these, the customers in more than 16,000 cases have accepted the offer made.
- On 28 November 2013, commencing at 11:00, the fifth meeting of creditors pursuant to Section 178 of the Insolvency Act (FW), chaired by the supervisory judge, will be held in the court building on Parnassusweg, Amsterdam, for the purpose of allowing late claims.
- Following approval by the committee of creditors (**Creditors' Committee**) and with the consent of the supervisory judge, the Administrators will be making a sixth interim distribution (4%) to the unsecured creditors at the end of December 2013. This will take the total paid out to 35%.
- DSB Bank, as holder of a pledge on the shares of Waard Leven B.V. (**Waard Leven**) and Waard Schade B.V. (Waard Schade) and as shareholder of Tadas Verzekeringen B.V. (**Tadas**) is

involved in the preparations for the process of selling off these entities, which is making good progress.

- Special short-term loan facility: the Administrators raised a special short-term loan facility originally totalling €1 billion from several Dutch banks. Borrowing under the special short-term loan facility currently stands at €271 million (position as at 30 September: €316 million).

Prospects for creditors:

To date, the Administrators have made the following interim distributions to unsecured creditors:

	Month	Distributed to unsecured creditors	Distributed to preferential creditors
1 st distribution	June 2011	15%	100%
2 nd distribution	December 2011	4%	-
3 rd distribution	June 2012	4%	-
4 th distribution	December 2012	4%	-
5 th distribution	June 2013	4%	-
	Total	31%	-

Following approval by the Creditors' Committee, the Administrators have requested the supervisory judge to authorise a sixth interim distribution. After this sixth distribution (4%), the total amount paid out will be 35%.

If the loan portfolio shrinks in the years ahead, not as a consequence of disposal but as loans are repaid and for other reasons, resulting in a consequent decline in the cash flow generated by them, it may be expected that a somewhat lower figure than 4% will become available for the unsecured creditors each six months.

If, however, the loan portfolio or a substantial part thereof is sold, a larger interim distribution may be possible. The Administrators are unable at this stage to estimate how much the total percentage distribution ultimately made to unsecured creditors will be.

The Administrators do not envisage that it will be possible to make any distribution at all on the subordinated claims unless they are considered to be unsecured, or at least partially so.

Details of company : **DSB Bank N.V.**
Insolvency case number : F13 / 09 / 798
Decision date : Emergency ruling: 12 October 2009
Insolvency : 19 October 2009
Administrators : R.J. Schimmelpenninck and B.F.M. Knüppe
Supervisory judge : M.J.E. Geradts (until 30 September 2013, M.L.D. Akkaya) (District Court at Alkmaar, Amsterdam branch)
Reporting period : 31 July 2013 to 31 October 2013

Introductory remarks

This is the nineteenth public insolvency report by the Administrators. It covers the period from 31 July 2013 to date (31 October 2013) and contains financial information relating to the period ending 30 September 2013. It should be read in conjunction with the previously published reports. All the reports, together with the Financial Reports for the years 2009, 2010, 2011 and 2012 can be found on the website www.dsbbank.nl.

The insolvency of DSB Bank is legally complex. In this report, the Administrators give a simplified account of the current state of affairs in accordance with the generally accepted standards for insolvency reporting in the Netherlands. The Administrators emphasise that the information in this report is subject to closer examination. It may prove necessary to amend the information given at a later stage. It is accordingly not yet possible to make any statement concerning the completeness or accuracy of the information contained in this report.

No rights may be derived from this insolvency report and/or any subsequent reports. Nothing in this report should be interpreted as acknowledging liability or waiving any rights.

An (unofficial) English translation of this nineteenth report will again be published on the above website. Reliance can only be placed on the Dutch text.

In conducting their activities, the Administrators make use of the advisory and other services of Houthoff Buruma Coöperatief U.A. (**Houthoff Buruma**), PricewaterhouseCoopers Advisory N.V. (**PwC**) and various other law firms and advisers as well as the efforts of DSB Bank staff and freelance professionals in Wognum and Emmeloord.

CONTENTS:

0. GENERAL INFORMATION FOR CREDITORS OF DSB BANK
1. INTRODUCTION
2. CURRENT SITUATION
3. STAFF
4. ASSETS
5. DEBTORS / RECEIVABLES AND DUTY OF CARE
6. BANK FINANCES / COLLATERAL SECURITY HELD
7. LAWFULNESS
8. CREDITORS / PAYABLES
9. OTHER

0. General information for creditors of DSB Bank

As regards the position of creditors and customers of DSB Bank with savings accounts, current accounts or deposit accounts whose claims qualified as not subordinated by virtue of the amounts owed to them, reference is made to the DSB Bank website (www.dsbbank.nl) and to previous public reports.

1. Introduction

Principal activities in the recent reporting period

For the principal activities of the Administrators in the most recent reporting period, see the first two pages of this public report.

2. Current situation

2.1. Management and organisation

See the first public report. For details of the structure of DSB Group, particular reference is made to the two organisation charts appended as Annex 1 to the first public report.

2.2. Balance sheet total on the date of the insolvency

See the first public report, in particular Annex 2.

2.3. Legal proceedings

Having regard to the five debt recovery cases brought before the district court in The Hague by DSB Bank, reference is made to the twelfth public report. In the appeal against the judgement given on 11 January 2012, the Administrators filed their statement of defence on 7 May 2013. Subsequently, in a deed dated 25 June 2013, the Administrators requested the Court of Appeal in The Hague to suspend the appeal proceedings in connection with the consideration by the Amsterdam Court of Appeal of the request to declare the WCAM Scheme binding. After receipt of a defence statement by the creditors, on 23 July 2013, the district court in The Hague proceeded to suspend the appeal proceedings, in a decision given on 3 September 2013.

As regards the cases in which DSB Bank was claimant as at the date of insolvency and no counterclaim has been submitted, the desirability of pursuing the claims is being examined on an ad hoc basis.

Incidentally, DSB Bank also continues to mount debt recovery proceedings on a regular basis, which almost always lead to judgements in absentia in the bank's favour.

2.4. Individual cases brought before the courts since the insolvency

There are no more cases pending in which the Administrators have been sued since the date of the insolvency. For an overview of the remaining claim validation proceedings see Section 8.4 of this public report.

2.5. Collective proceedings

There are no longer any collective proceedings.

2.6. Insurance

See also the second public report. Where necessary, existing insurance policies have been cancelled or amended, for example in connection with the disposal of property and other assets.

2.7. Rents

Premises rented from group entities

DSB Bank no longer rents any premises from group entities.

Premises rented from third parties

See the twelfth public report. Agreement has since been reached with the Medemblik municipal authority concerning the continuation of the lease on the premises on Dick Ketlaan in Wognum in 2014. For the customer contact centre, DSB Bank is renting premises in

Emmeloord. The lease on these premises initially ran up to the end of 2013 but has been extended up to the end of March 2014.

Premises leased to third parties

See the twelfth public report.

3. Staff

3.1. Number of employees at the time of the insolvency

See the second public report.

3.2. Number of years of service prior to the insolvency

See the second public report.

3.3. Employees

There are currently 80 people (approximately 62 FTEs) employed by DSB Bank, excluding the 23 Tadas staff. The insolvent entity also employs the services of 56 freelance professionals (approximately 40 FTEs).

To the Administrators' knowledge, a majority of the former employees of DSB Group have now found new jobs or become self-employed.

3.4. Provisional continuation of activities

The contracts of employment of the staff in Heerhugowaard and Emmeloord have all been terminated. A large number of them have, however, been taken on by Quion. As from the third quarter of 2013, DSB Bank staff will mainly be involved in implementing the Scheme, in specific activities connected with the winding-up operation and a number of support duties. It continues to be the Administrators' policy to notify the staff at the earliest possible stage concerning the expectations regarding the rundown of the activities concerned.

3.5. Works Council

The Works Council is kept regularly informed and/or involved by the Administrators regarding important matters affecting employees.

4. Assets

4.1. General

For a general overview of the assets of DSB Bank at the time when the bank was declared insolvent, see Annex 2 to the first public report. For the current position, see Annex 1 to the fifth public report. To supplement these statements, the Administrators have the following comments.

4.2. Mortgages

See the previous public reports. See also Section 6.3 concerning the transfer of the servicing of the loan portfolio to Quion.

4.3. Registered property

See the previous public reports.

4.4. Other assets

The remaining business equipment etc. is being used in connection with the winding-up operations.

4.5. Claim on DSB Ficoholding

See the fourteenth public report.

4.6. Investments in subsidiaries, associates and joint ventures

For a list of DSB Bank's various (former) subsidiaries, associates and joint ventures, see Annex 1 to the first public report. For financial information relating to these entities, the Administrators make reference to Annex 2 to the first public report. The Administrators have

the following specific remarks concerning the individual subsidiaries, associates and joint ventures of DSB Bank.

Tadas

See the eighteenth public report. Tadas, together with Waard Leven and Waard Schade, is involved in a process of disposal.

DSB Beveiliging B.V.

For information on the insolvency of DSB Beveiliging and the liquidation of this entity, reference is made to the public reports specifically dealing with this insolvency, which can be found on the DSB Bank website (www.dsbbank.nl).

DSB Leeuwarden B.V.

For information on the insolvency of DSB Leeuwarden and the liquidation of this entity, reference is made to the public reports specifically dealing with this insolvency, which can be found on the DSB Bank website (www.dsbbank.nl).

Paul.nl B.V.

See the first public report.

DSB Belgium N.V.

See the twelfth public report.

DSB International B.V.

This company is the subholding company lying between DSB Bank and the entity now in charge of the Belgian loan portfolio.

4.7. Domain names

The Administrators will be concluding the disposal of the domain name portfolio in the months ahead.

5. **Debtors / receivables and duty of care**

5.1. General

For a general overview of the receivables position of DSB Bank at the time of the insolvency, reference is made to Annex 2 to the first public report. An update is provided by the 2011 Financial Report. The loan portfolio was also discussed in the 2012 Financial Report that was published on 18 February 2013.

As at the end of June 2013, DSB Bank had approximately 101,000 loans to customers outstanding, totalling approximately €4,806 million (multiple loans to the same borrower in some cases).

5.2. Global Corporate Jets

The personal surety guaranteeing the remaining part of DSB Bank's receivable from Global Corporate Jets v.o.f. following the sale of the aircraft paid the outstanding instalments of the amount guaranteed in the recent reporting period, allowing the file on the jet with registration PH-DRK to be closed.

5.3. The WCAM and the Scheme

Processing of the WCAM application

On 27 May 2013, the Administrators, the Stakeholder Organisations and the insurance companies concerned filed a formal application with the Amsterdam Court of Appeal for the mass settlement Scheme to be declared binding under the provisions of the Collective Mass Claims Settlement Act (WCAM). The preliminary administrative session was held on 14 June 2013 and the application was heard on Tuesday, 15 October 2013. The Court of Appeal today announced that its ruling would be given on **Tuesday, 12 November 2013**.

See for the relevant court documents and other information relating to the WCAM mass settlement Scheme www.dsbcompensatie.nl. The Administrators advise all concerned to consult the website regularly for further notices.

When the Scheme has been declared legally binding, this will mean (for customers not opting out in time) that no new applications for the WCAM arrangement and no further duty-of-care claims relating to the insolvency of DSB Bank can be submitted after the application deadline has passed. This application deadline will in this case be one year from the date of the Scheme being declared legally binding. Likewise, it will no longer be possible for customers (who do not opt out or fail to opt out by the deadline for doing so) to adduce duty-of-care claims beyond that date as defence in connection with debt collection proceedings on the part of DSB Bank relating to loans which have been granted.

Rollout of the Scheme:

A factsheet detailing progress with the rollout of the Scheme (position as at 28 October 2013) can be found in Annex 2 to this report. The presentation of this annex is the same as that used for the Factsheet (reflecting the position as at 29 July 2013) included as Annex 3 to the previous public report.

Implementation of the Scheme is progressing smoothly. As at 28 October 2013, out of the 10,000-plus claim files created in response to complaints from customers who had filed complaints with DSB Bank by 18 September 2011, the customers in almost 9,800 of these cases had received responses relating to Phase 1 (compensation for mis-selling of insurance and securities-backed lending products). The customers in more than 7,700 cases have accepted the offer made. The administrative processing of these claims has been completed in almost all cases. Of these 10,000-plus claim files, in more than 6,200 cases the customers have also let it be known that they wish to be considered for Phase 2 compensation (compensation for excessive lending) as well.

Since 19 September 2011, customers who had not previously filed complaints against DSB Bank have been applying for inclusion in the Scheme. As at 28 October 2013, this had led to the preparation of 22,325 claim files. So far the customers in more than 21,000 cases have received notice of Phase 1 compensation. Out of these, the customers in more than 16,000 cases have accepted the offer made. The administrative processing of these claims has been completed in almost all cases.

Customers also applying for Phase 2 compensation are being assessed on the basis of case subfiles (see legend to **Annex 2**). As at 28 October 2013, the customers in a total of 1,731 case subfiles had accepted the Phase 2 compensation offer. Administrative processing has also been completed in almost all of these cases.

Hollands Welvaren Select (HWS)

Reference is made to the previous public report concerning the setup of and background to the HWS arrangement.

The latest interim position with regard to the 557 applications (made automatically) as at 28 October 2013 is as follows. They have resulted in 544 offers of compensation and the administrative processing has been completed in 240 of the cases concerned. Rejection letters have been sent out in 13 cases. Out of the 13 cases in which letters have not yet been received, five have been totally rejected. As regards the other eight cases, it has since been found that the customers concerned no longer have contracts with DSB Bank and no current address for these customers is known. As a consequence, compensation offers have not been prepared or sent out.

Absolutely unnecessary payment protection insurance

In total, the customers in 1,258 cases have received assessments for their compensation claims relating to absolutely unnecessary payment protection insurance. In five cases, this resulted in an award, and the customer in one other case was awarded compensation as a gesture of goodwill. The remaining claims were rejected. In 5,928 cases, customers have either dropped their claims in writing or failed to submit their application for PPI compensation assessment in time.

Case reviews, objections and appeals

In response to requests from customers for reassessment of the compensation offers they have received, claims are reconsidered on the basis of new facts without initiating legal proceedings. It is also possible for customers to lodge objections with the Administrators

regarding the offers they have received. Since mid-2012, 510 customers have availed themselves of this opportunity. To date, a total of 47 customers, unhappy with the outcome of the objection handling process, have taken their cases to the Disputes Committee or the Special Circumstances Committee set up in accordance with the Heads of Agreement. The Disputes Committee has since delivered its verdict in five cases, ruling that the grounds for appeal advanced by the customer were either inadmissible or unfounded. The Special Circumstances Committee has rejected the customers' appeals in two cases. The decisions concerned can be found on www.dsbcompensatie.nl. In five cases, no decision was arrived at because an amicable settlement was reached with the customers concerned prior to the ruling being given. Eight appeals are currently being considered.

Costs of the Scheme

The total costs of the Scheme to the DSB Bank depend in part on the number of customers applying for inclusion in the Scheme. Based on the applications received, a reasonably exact calculation can be made of the amount of compensation involved in respect of mis-selling of insurance. In the case of excessive lending compensation, the amount of compensation depends on various factors, such as the personal incomes of the customers on at least two means-testing dates and the extent to which customers have submitted the documentation on which the calculations are based.

The total amount of compensation chargeable to 2012 relating to those customers who had applied for inclusion in the Scheme or who had lodged a complaint as at 31 December 2012 was in excess of €129 million, including a provision of €75 million for those cases still being processed as at 31 December 2012. For details, see the 2012 Financial Report published on 18 February 2013. The report also revealed that almost €180 million had been paid out or set aside in connection with the resolution of duty-of-care issues. The amounts mentioned exclude the costs of the Scheme relating to the many customers who have applied for inclusion since 1 January 2013 or will do so in future.

Insurers

The cooperation with the affected insurers is proceeding smoothly. For further information, reference is made to the 11th public report.

Costs of the Stakeholder Organisations

In Section 5.4 (pages 16 and 17) of the tenth Public Report, published on 31 October 2011, an explanation was given of the reasons why the costs incurred by the Stakeholder Organisations would be borne by the insolvent entity. A summary of these costs for the period up to the end of September 2011 was also included.

A summary of the costs paid to the Stakeholder Organisations by the insolvent entity (in accordance with the provisions of Article 8.1 of the Heads of Agreement) in the period October 2011 to the end of September 2013 is given below.

(Figures € x 1,000, all amounts including VAT as applicable)

Organisation	Own costs	Legal fees	Total
Stichting Hypotheekleed*	54	0	54
Stichting Steunfonds Probleem-hypotheek	**504	194	698
Stichting Platform Aandelen Lease	31	249	280
Legal assistance organisations***	52	218	270
Total	641	661	1,302

* Hypotheekleed withdrew from talks on 7 July 2011; this figure concerns costs relating to the period prior to that date.

**Including repayment of contributions received from the affiliates.

***Prior to the launch of the Scheme in May 2012, the costs of the five legal assistance organisations.

5.4. Settlement of other complaints

A small proportion of the complaints concern questions not related to duty of care. These complaints are being dealt with on an individual basis.

5.5. Set-off

Under the general terms and conditions of DSB Bank, customers do not have a right to set off an amount receivable from DSB Bank against the amount they owe to DSB Bank. The Administrators have nevertheless previously agreed that, in those cases where it can be established that a customer's losses are due to dereliction of the duty of care vis-à-vis that customer, whether as a result of a court ruling or an out-of-court settlement, the consequent loss may be set off against the existing amount of that customer's indebtedness to DSB Bank.

5.6. Applications under the Compensation Scheme and new complaints

See www.dsbbank.nl and www.dsbcompensatie.nl

6. **Bank finances / collateral security held**

6.1. Financial statements

Annex 1 to this public report contains a summary of (i) the income and expenditure of DSB Bank from the date of the insolvency up to the end of September 2013 and (ii) the income and expenditure of DSB Bank during the third quarter of 2013.

6.2. Credit facilities

For a summary of the credit facilities and the associated collateral security provided, reference is made to Annex 2 to the first public report.

The special long-term loan facility stood at €316 million as at 30 September 2013 and the current figure is €271 million.

6.3. Servicing

The servicing activities have been transferred to Quion. A dedicated helpdesk has also been set up at DSB Bank to set the standards for the servicing activities to be carried on by Quion and to oversee compliance with those standards on the part of Quion. DSB Bank also sets the interest rates and is the point of contact for queries which Quion is unable to deal with. DSB Bank also continues to be responsible for customer contacts relating to the WCAM / Scheme.

6.4. Securitisation programmes

On behalf of the SPVs, periodical reports are prepared on the individual securitisation programmes, containing the key figures relating to the underlying loan portfolios. This information forms part of the periodical reports sent by the SPVs to the holders of the notes issued by them (**noteholders**).

The Administrators also hold regular meetings with the SPVs and provide information to the rating agencies and noteholders in conference calls organised by the SPVs.

In January 2012, the Administrators wrote to the SPVs to advise that they were prepared to make distributions relating to the claims of the SPVs connected with debt restructuring measures affecting securitised loans.

Since then, this offer has been extended to claims of the SPVs connected with duty-of-care compensation payments that have been set against securitised loans. Four SPVs are taking advantage of this offer.

6.5. Lease contracts

DSB Bank is still party to 12 lease contracts relating to company cars in use by DSB Bank and DSB Group staff.

6.6. Hedges

Previous public reports have disclosed that the Administrators have been negotiating with the counterparties to the interest rate swap contracts cancelled by them at the time of the insolvency regarding the invoices which they submitted. Following the Administrators' previous success in reaching agreement with various parties, including Société Générale, NIBC and RBS, agreement was also reached with Barclays in the reporting period.

This means that agreement has now been reached regarding the submitted invoices for all the interest rate swap contracts predating the insolvency. In a number of cases, interest rate contracts have been reinstated with DSB Bank. These contracts are expected to produce significant gains for the insolvent entity in the years ahead.

6.7. Interest rate policy

The policy on interest rates and penalties adopted by the Administrators can be found on the website www.dsbbank.nl.

7. **Lawfulness**

7.1. Investigation into the causes of the insolvency

The report on the 'inquiry into the causes of the insolvency of DSB Bank N.V.' was published on 19 June 2012 as an annex to the thirteenth public report. The DSB Beheer B.V. inquiry report was published simultaneously. Both reports can be found on www.dsbbank.nl. The Administrators are discussing possible follow-up actions with both the Creditors' Committee and the supervisory judge. In this context, the Administrators made the following announcement on 25 October 2013:

“The Administrators of DSB Bank and Vereniging DSBspaarder.nl, Vereniging DSBdepositos.nl and Stichting Belangen Rechtsbijstandverzekerden DSB, three organisations representing customers with claims against DSB, are holding the Nederlandsche Bank (DNB) liable. On the basis of the inquiry by the Scheltema Committee and the inquiry conducted by the Administrators into the causes of the collapse of DSB Bank, the Administrators and said organisations conclude that DNB is liable for the losses suffered by the creditors as a consequence of the bank failure. In July 2013, the Administrators and the organisations sent DNB a draft summons, inviting the central bank to the negotiating table, but DNB refuses to discuss an amicable settlement. The Administrators and the organisations will therefore be taking DNB to court. It is alleged that liability stems from the wrongful granting of a banking licence in 2005, supervisory failures on the part of DNB and DNB's action in applying a haircut to the ECB loan, which made a soft landing for the bank impossible and DSB Bank's collapse into insolvency inevitable.”

8. **Creditors / payables**

8.1. Creditors' Committee

The Creditors' Committee is made up of Chapel 2003-I B.V., ING Bank N.V. and Mr E. Hulshof. In the recent reporting period, a lengthy meeting with the Committee was held on 18 September 2013. Meetings are held to discuss the developments surrounding the winding-up operation. Where necessary, contact is maintained by telephone and email in the interim. Requests for advice on proposed decisions are made by the Administrators to the Creditors' Committee as and when required by law. The Creditors Committee has appointed lawyers to look into the legal aspects on behalf of the Committee. The Administrators are also in regular contact with this legal team.

8.2. Assignment of allowed claims

There were no new instances of claim assignment in the reporting period. In total, 209 allowed unsecured claims, with a combined value of approximately €9.5 million, are still assigned to various purchasers.

8.3. Future meetings of creditors pursuant to Section 178 of the Insolvency Act (FW)

On 28 November 2013, at 11:00, a further meeting of creditors will take place in the court building on Parnassusweg in Amsterdam for the purpose of allowing late claims.

8.4. Remaining claim validation proceedings against the Administrators

There are only two claim validation proceedings outstanding. In relation to these claim validation proceedings, the Administrators have the following comments.

Claims by DNB

In the claim validation proceedings brought by DNB concerning the settlement of the final Deposit Guarantee Scheme (DGS) proceedings, the Administrators are still negotiating with DNB on the conclusion of the case and the terms and conditions of such settlement. In total, this contested claim amounts to approximately €3.3 million.

Pensions

The pension claims made by Mr and Mrs Scheringa, amounting to €8.8 million and €1 million, respectively, were contested at the meeting of creditors on 29 November 2012. In the case brought as a consequence of the contesting of the claims, the complaint seeking to have the claims of Mr and Mrs Scheringa upheld is due to be presented in court on 13 November.

Subordinated deposit holders

All proceedings brought by subordinated deposit holders have been concluded. Letters have been sent by the Administrators to all holders of a subordinated deposit, offering each of them a settlement under the terms which the Administrators agreed with Vereniging DSB Deposito's. Virtually all of them have accepted the offer. A few creditors remain untraceable despite repeated attempts to find them. For some holders of a subordinated deposit, the settlement means that the entire amount of their claim remains subordinated. The claims of these creditors and of those who are unwilling to accept the settlement on offer will be put forward by the Administrators at the forthcoming creditors' meeting to be held on 28 November 2013 for validation as subordinated claims. If any creditors continue to insist that their claim (or part thereof) should be included in the claims of unsecured creditors, the claim will be contested by the Administrators and will therefore become the subject of claim validation proceedings.

8.5. Suppliers and WCAM Scheme

At the request of the Amsterdam Court of Appeal, the Administrators also wrote to the suppliers of DSB Bank at the end of June 2013, giving official notice pursuant to Section 1013, subsection 5, of the Netherlands Code of Civil Procedure regarding the application to have the WCAM Scheme declared binding, in order to allow suppliers also to have the opportunity, if desired, to file objections and/or to attend the court session on 15 October 2013. No creditors availed themselves of this opportunity.

8.6. Liabilities of the insolvent entity

In view of the position of the insolvent entity, the Administrators continue to pay amounts agreed by them as being owed by the insolvent entity as quickly as possible.

9. **Other**

9.1. Tax matters

See Section 9.1 of the ninth public report.

9.2. Netherlands Authority for the Financial Markets (AFM) and DNB

The Administrators have regular meetings with the AFM and also with DNB to discuss current issues.

9.3. Provision of information

DSB Bank customers are notified in writing regarding relevant decisions by the Administrators or actions which they should take. The Administrators also provide information on the websites www.dsbbank.nl and www.dsbcompensatie.nl.

All questions relating to the outstanding loans (such as repayment, early repayment, arrears, changes of address and interest rates) should be addressed to Quion, which took over the servicing of the loan portfolio from DSB Bank on 20 June 2013. The number to call for Quion's customer contact centre is 010 - 2422200.

For questions relating to the Scheme / WCAM mass claim settlement, customers can email curatoren@dsbbank.nl or telephone the DSB Bank call centre on **088 372 30 00** (local call rate). The call centre is open from 08:30 to 17:30 on business days.

9.4. Activities and time spent

The activities involved in the administration of DSB Bank and the implementation of the Scheme are carried on by 80 DSB Bank employees and 56 freelance professionals (see Section 3.3). These professionals include 10 lawyers.

The Administrators have also engaged various parties to provide support with the liquidation process, including Houthoff Buruma (legal and tax consultancy) and PwC (accountancy, tax consultancy and IT-related services) as well as various other outside specialists.

The Administrators along with the legal and tax consultants of Houthoff Buruma have together spent approximately 1,799.8 hours in the period 1 July 2013 to 30 September 2013 on the liquidation of DSB Bank. During the same period, PwC spent about 700 hours on the liquidation of DSB Bank.

9.5. Timetable for the settlement of the liquidation

In any event, the liquidation process will continue to require intensive activities during 2013. The final winding-up operations will then undoubtedly take several more years, albeit involving work of decreasing intensity.

9.6. Plan of approach

In the next reporting period, too, the Administrators and the organisation of the insolvent entity will continue to work methodically on the settlement of the liquidation. After completing the investigation into the causes of the insolvency, the Administrators will be concentrating particularly on the continued recording and validation of suppliers' accounts and the WCAM process. In addition, the Administrators will be continuing to pay particular attention to the proper implementation of the Scheme.

9.7. Publication of the next report

The next periodical public report is expected to be published at the end of January 2014.

Wognum, 31 October 2013

R.J. Schimmelpenninck

Administrator

B.F.M. Knüppe

Administrator

Annexes:

Annex 1: Summary of the income and expenditure of DSB Bank from the date of the insolvency up to the end of September 2013 and of the income and expenditure during the third quarter of 2013.

Annex 2: Factsheet on the Scheme as at 28 October 2013