

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

**CAUSE NO. FSD 97 OF 2011(AJEF)**

**In Chambers  
9<sup>th</sup> July 2012  
Before the Honourable Mr. Justice Foster**



**IN THE MATTER OF THE COMPANIES LAW (2010 REVISION)**

**AND**

**IN THE MATTER OF AMERICAN PEGASUS SPC (IN OFFICIAL LIQUIDATION)**

**ORDER**

**UPON THE SUMMONS** dated 18 May 2012 (the "Summons")

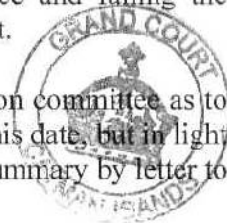
**AND UPON** reading the Second Affidavit of Michael Pearson sworn on the 14<sup>th</sup> day of June 2012.

**AND UPON** hearing counsel for the Joint Official Liquidators ("JOLs") of American Pegasus SPC (in official liquidation) (the "Company")

**IT IS HEREBY ORDERED AND DIRECTED** that:-

1. The Company having now been certified by the JOLs as insolvent, the JOLs are not required to hold a first meeting of contributories of the Company;
2. The JOLs are to send a letter, written in English, to all known creditors and contributories (the "JOLs Letter") which shall contain:
  - 2.1 information on how to access the website set up by the JOLs, being [www.americanpegasusliquidation.com](http://www.americanpegasusliquidation.com), which contains all reports and updates regarding the liquidation of the Company;


- 2.2 details of the dedicated enquiry email address, being [kyamericanpegasus@deloitte.com](mailto:kyamericanpegasus@deloitte.com), at which the JOLs can be contacted;
- 2.3 notice to all creditors of the date and time of a creditors meeting of the Company at which the JOLs shall seek to establish a liquidation committee in accordance with paragraph 4 below.
3. The JOLs Letter shall be delivered to the creditors and contributories of the Company as follows:
- 3.1 to the creditors by email and post;
- 3.2 to the contributories by email (if available), failing which by courier to each courier office in each country in which contributories are respectively resident and then by post from within such country.
4. The JOLs shall seek to establish a liquidation committee of creditors of the Company which shall include, if reasonably possible, at least one creditor of either of the following segregated portfolios of the Company;
- American Pegasus Auto Loan Fund Segregated Portfolio
  - American Pegasus Auto Loan Fund (Dist) Segregated Portfolio
- And, if reasonably possible, at least one creditor of any of the following segregated portfolios of the Company:
- American Pegasus Fixed Income Fund - Series II Segregated Portfolio
  - American Pegasus Fixed Income Fund - Series IV Segregated Portfolio
  - American Pegasus Fixed Return Fund Segregated Portfolio
  - American Portfolio Life Fund Segregated Portfolio
  - American Portfolio Perpetual Income Fund Segregated Portfolio
5. In light of the lack of funds available to the JOLs for the winding up of the Company, paragraph 6 of the winding up order of this Court dated 20 July 2011 shall be discharged and instead:
- 5.1 the JOLs shall agree the basis and rates of their remuneration in accordance with Part IV of the Insolvency Practitioners Rules 2008 (as amended) within 3 months of the date of the appointment of any liquidation committee and failing the appointment of a liquidation committee shall revert to the Court.
- 5.2 the JOLs shall provide a report to the Court and any liquidation committee as to the progress of the liquidation at least every six months from this date, but in light of the said lack of funds such report may be in the form of a summary by letter to the Court unless the Court otherwise orders.



- 5.3 the JOLs shall only be required to seek Court approval of their remuneration at such time as there are sufficient available funds to warrant such an application, provided that the JOLs shall seek approval of their remuneration in the event no such approval has been sought within 1 year of the date of this order, unless the Court otherwise directs in the interim.
6. The costs of and incidental to this application shall be paid out of the assets of the Company as an expense of the liquidation.

**DATED** the 9<sup>TH</sup> day of JULY 2012

**FILED** the 13<sup>TH</sup> day of JULY 2012



**THE HON. MR. JUSTICE FOSTER**  
**JUDGE OF THE GRAND COURT**



**THIS ORDER** was issued by **SOLOMON HARRIS** of 3<sup>rd</sup> Floor, FirstCaribbean Bank, P.O. Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-at-Law for and on behalf of the Applicants whose address for service is that of their said Attorneys-at-Law