



## COURT OF THE CAYMAN ISLANDS

## FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 273 of 2023 (IKJ)

IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) CAYMAN ISLANDS ORDER 1978

AND IN THE MATTER OF ORDER 70 OF THE GRAND COURT RULES, 2023 CONSOLIDATION AND IN THE MATTER OF A CIVIL MATTER NO PROCEEDING IN THE SOUTHERN DISTRICT COURT OF NEW YORK ENTITLED:

CASE NO. 1:21-CV-11059 (GHW)

BETWEEN:

U.S. BANK, NATIONAL ASSOCIATION, IN ITS CAPACITY AS TRUSTEE, JOSHUA N. TERRY, AND ACIS CAPITAL MANAGEMENT, L.P., AS PLAINTIFFS

AND

THE CHARITABLE DONOR ADVISED FUND, L.P., CLO HOLDCO LTD., AND NEXPOINT DIVERSIFIED REAL ESTATE TRUST, AS DEFENDANTS

---

**CONSENT ORDER**

---

**UPON** the application of NexPoint Diversified Real Estate Trust (**NexPoint**) by its Originating Summons issued on 13 September 2023 (**Summons**)

**AND UPON** the Court by its Order dated 6 October 2023 having granted the relief sought at paragraph 2 of the Summons on the papers and having also ordered, *inter alia*, that NexPoint do pay ACIS CLO 2015-6 Ltd (**ACIS 2015-6**)'s reasonable time costs, expenses and disbursements, including legal costs, of compliance with the Production Order (**Production Costs**), to be determined by the Court if not agreed

THIS **ORDER** was filed by Travers Thorp Alberga, attorneys on behalf of NexPoint, whose address for service is 2nd Floor, Harbour Place, P.O. Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: N0347-001).

**AND UPON** the Court by its Order dated 6 October 2023 having adjourned the determination of the balance of the relief sought on the Summons, being the relief sought at paragraph 3 of the Summons

**AND UPON** NexPoint and ACIS CLO 2015-6 agreeing to the terms set out in this Consent Order

**IT IS ORDERED BY CONSENT THAT:**

1. The hearing listed for 2:30pm on 29 January 2024 shall be adjourned and relisted, subject to counsel's dates to avoid, for the first available date after 1 March 2024.
2. Without prejudice to NexPoint's right to challenge the reasonableness of the Production Costs, NexPoint shall make an interim payment of US\$35,000 to ACIS 2015-6 in respect of the Production Costs, such sum to be paid within 7 days of the date of this Order.
3. Costs reserved.

**DATED** this 26<sup>th</sup> day of January 2024

**FILED** this 26<sup>th</sup> day of January 2024



---

**THE HONOURABLE JUSTICE IAN KAWALEY**

JUDGE OF THE GRAND COURT

THIS **ORDER** was filed by Travers Thorp Alberga, attorneys on behalf of NexPoint, whose address for service is 2nd Floor, Harbour Place, P.O. Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: N0347-001).

APPROVED AS TO FORM AND CONTENT

*Travers Thorp Alberga*

---

Travers Thorp Alberga

Attorneys for NexPoint Diversified Real Estate Trust

*Appleby (Cayman) Limited*

---

Appleby (Cayman) Limited

Attorneys for ACIS CLO 2015-6 Ltd

THIS **ORDER** was filed by Travers Thorp Alberga, attorneys on behalf of NexPoint, whose address for service is 2nd Floor, Harbour Place, P.O. Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: N0347-001).