

STATEMENT OF CLAIM

1. The Plaintiff is a company incorporated in the Cayman Islands and carried on business as a bank until 14th May, 1996 when it was put into voluntary liquidation.
2. The Defendant is a company incorporated in Brazil which has at all material times carried on banking business in the Cayman Islands through a branch office located at British American Centre, P.O. Box 30203 SMB, Grand Cayman.
3. The Plaintiff maintains a custodian account with the Defendant's Cayman Islands branch. The following securities and/or the proceeds received by the Defendant upon maturity of the said securities, are held by the Defendant as custodian or bare trustee for the Plaintiff absolutely.

Particulars

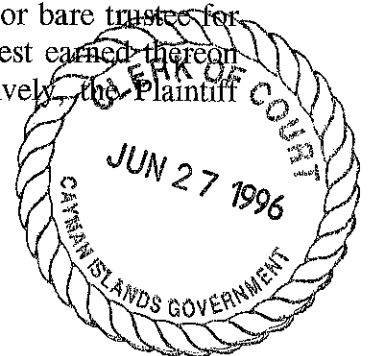
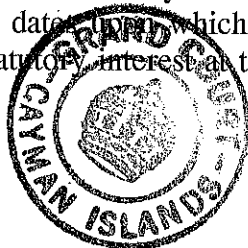
	<u>Amount</u>	<u>Security</u>	<u>Current Rate</u>	<u>Final Maturity</u>
(i)	US\$ 581,000.00	Brazil E1 Bonds	6.6875%	April 18, 2006
(ii)	US\$36,035,294.40	Brazil C Bonds	8.0000%	April 15, 2014
(iii)	US\$13,843,400.00	Brazil IDU Bonds	6.6875%	January 1, 2001
(iv)	US\$ 2,000,000.00	Commercial Paper	10.125%	Sept 5, 1995
(v)	US\$ 2,000,000.00	Commercial Paper	10.125%	August 21, 1995
(vi)	US\$ 1,500,000.00	Commercial Paper	22.0000%	Sept 29, 1995
(vii)	US\$ 1,000,000.00	Commercial Paper	10.2500%	August 14, 1995

4. Upon maturity of the commercial paper (item numbers (iv), (v), (vi) and (vii) in paragraph 3 above) the following sums were received by the Defendant as custodian or bare trustee for the Plaintiff absolutely.

Particulars

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Date Received</u>
(iv)	2,000,000	101,812.50	2,101,812.50	5 September 1995
(v)	2,000,000	101,812.50	2,101,812.50	21 August 1995
(vi)	1,500,000	167,750.00	1,667,750.00	29 Sept 1995
(vii)	1,000,000	51,250.00	1,051,250.00	14 August 1995

5. The Defendant holds the total sum of US\$6,922,625.00 as custodian or bare trustee for the Plaintiff absolutely and is liable to account for the profit or interest earned thereon since the date upon which the said sums were received. Alternatively, the Plaintiff claims statutory interest at the prescribed rate.

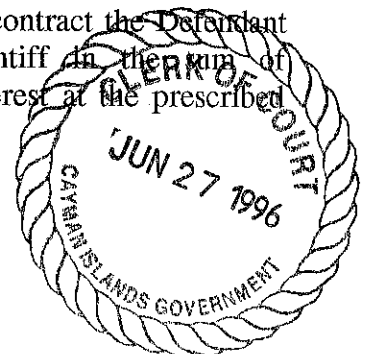


Particulars of Statutory Interest

US\$2,101,812.50 @ 8.375% from 5 September 1995 until 31 January 1996 = US\$482.26 x 149 days =	71,856.74
US\$2,101,812.50 @ 7.375% from 1 February 1996 until 27 June 1996 = US\$424.68 x 148 days =	62,852.64
US\$2,101,812.50 @ 8.375% from 21 August 1995 until 31 January 1996 = US\$482.26 x 164 days =	79,090.64
US\$2,101,812.50 @ 7.375% from 1 February 1996 until 27 June 1996 = US\$424.68 x 148 days =	62,852.64
US\$1,667,750.00 @ 8.375 from 29 September 1995 until 31 January 1996 = US\$382.66 x 125 days =	47,832.50
US\$1,667,750.00 @ 7.375% from 1 February 1996 until 27 June 1996 = US\$336.97 x 148 days =	49,871.56
US\$1,051,250.00 @ 8.375% from 14 August 1995 until 31 January 1996 = US\$241.21 x 171 days =	41,246.91
US\$1,051,250.00 @ 7.375% from 1 February 1996 until 27 June 1996 = US\$212.41 x 148 days =	<u>31,436.68</u>
Total	<u>447,040.31</u>



6. The Defendant continues to hold the Brazil E1 Bonds, C Bonds and IDU Bonds (item numbers (i), (ii) and (iii) in paragraph 3 above) as custodian or bare trustee for the Plaintiff.
7. The Defendant has failed to transfer the said securities and/or the proceeds received upon maturity of the securities in accordance with the Plaintiff's instructions and is therefore in breach of its obligations as custodian and in breach of trust.
8. The Plaintiff maintains a money market account with the Defendant's Cayman Islands branch to which was credited the sum of US\$2,751,571.71 as at the 1st September, 1995. On that day the Plaintiff instructed the Defendant to transfer the said sum to the Plaintiff's account with the Bank of Nova Scotia. In breach of contract the Defendant dishonoured these instructions and is indebted to the Plaintiff in the sum of US\$2,751,571.71, upon which the Plaintiff claims statutory interest at the prescribed rates.



Particulars of Interest

US\$2,751,571.71 @8.375% from 2 September 1995 to 31 January 1996 = US\$631.35 x 152 days =	95,965.20
US\$2,751,571.71 @7.375% from 1 February 1995 to 27th June 1996 = US\$555.96 x 148 days =	<u>82,282.08</u>
Total	<u>178,247.28</u>

AND THE PLAINTIFF claims:

Under Paragraph 7 of the Statement of Claim:

(1)(a) A declaration that the Defendant holds -

- (i) US\$581,000 Brazil E1 Bonds 2006;
- (ii) US\$36,035,294.40 Brazil C Bonds 2014; and
- (iii) US\$13,843,400 Brazil IDU Bonds 2001,

as custodian or bare trustee for the Plaintiff absolutely.

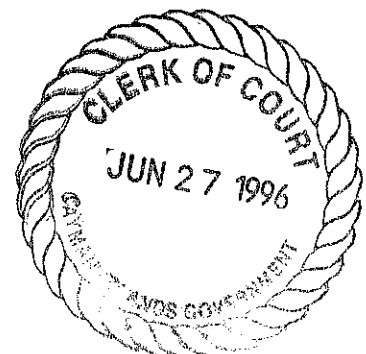
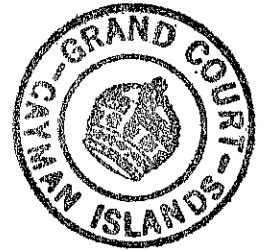
(b) A mandatory injunction requiring the Defendant to transfer the said securities to the Plaintiff's account number 95397 with Euroclear.

(2) A declaration that the Defendant holds the sum of US\$6,922,625 plus the profit or interest earned thereon as custodian or bare trustee for the Plaintiff absolutely.

(3) (a) An order that the Defendant do account for the profit or interest earned upon the said sum of US\$6,922,625; or, alternatively,

(b) An order that the Defendant do pay statutory interest on the principal sum of US\$6,922,625, being the sum of US\$447,040.31 and continuing at the rate of US\$1,398.74 per day until judgment.

(4) Judgment for the sum of US\$6,922,625 and statutory interest thereon in the sum of US\$447,040.31 and continuing at US\$1,398.74 per day.



Under Paragraph 8 of the Statement of Claim:

- (6) The sum of US\$2,751,571.71 plus statutory interest of US\$178,247.28 and continuing at the rate of US\$555.96 per day.

And:

- (7) Further or other relief.
- (8) Costs.

Maples & Calder

Maples and Calder



THIS WRIT was issued by Maples and Calder, Attorneys for the Plaintiff, whose address for service is Uglan House, P.O. Box 309, George Town, Grand Cayman