

Decision
Court of Amsterdam

Civil law section

Insolvency team

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Please include the date of this letter and our reference in your reply. In your letter, please confine your remarks to one case.

B F M Knüppe
R J Graaf Schimmelpenninck
P.O. Box 75505
1070 AM Amsterdam

date 27 December 2011
contact insolvency team
tel (direct) +31 20 541 3378
our ref 09/798 F
subject: DSB Bank N V
annex(es) --
subject

Dear Sir/Madam,

I enclose a copy of the letter dated 27 December 2011 to Mr Lakeman and refer you to its contents.

Yours faithfully,

Ms S Basarat,
clerk of the court

Court of Amsterdam

Civil section, Insolvency department

Mail address: P.O. Box 84500, 1080 Amsterdam

Stichting Hypotheekleed
Attn Mr P Lakeman
Bachlaan 29
7604 EN Almelo

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Parnassusweg 200
Amsterdam
Tel +31 20 541 3378
Fax+31 20 541 3379

Tel (direct):

Date: 27 December 2011

Insolvency case no.: 09/798 F

Insolvency: DSB Bank NV

Your ref.:

Decision pursuant to Section 69 of the Insolvency Act

Dear Mr Lakeman,

The administrators in the above insolvency, Messrs R J Schimmelpenninck and B F M Knüppe, have responded to your request dated 8 December 2011. A copy of their written response is enclosed.

The documents show and the administrators state that Hypotheekleed is a creditor in the above insolvency with a claim amounting to only €578.47 which it purchased from a trade creditor after the insolvency had been declared.

The supervisory judge considers that an order pursuant to Section 69 of the Insolvency Act is appropriate only if there is a danger that the interests of the petitioner as creditor in the administration and liquidation of the insolvent entity may be harmed by the actions of the administrator.

Having regard to the fact that, on 19 September 2011, the administrators signed the Heads of Agreement with two stakeholder organisations and five legal assistance organisations – together representing a large group of stakeholders – it is not clear to the supervisory judge which of its interests Hypotheekleed claims to have been harmed by the actions of the administrators and to what extent.

Your request is therefore rejected.

Appeal

Pursuant to Section 67 of the Insolvency Act, an appeal against this decision may be lodged with the court within five days of the date on which this decision was handed down.

Yours sincerely,

ML D Akkaya
Supervisory judge

Encl: written response from administrators dated 12 December 2011
Cc: administrators Messrs. R J Schimmelpenninck and B F M Knüppe