

Carrard Consulting SA

To the creditors of Banque Privée
Espírito Santo SA in liquidation

Lausanne, 25 February 2021

This in an English translation from the French original version. In the event of a discrepancy with the French version, the French version shall prevail.

Banque Privée Espírito Santo SA in liquidation (BPES): Circular no. 26 for the attention of BPES creditors - 2nd provisional distribution of liquidation dividend to 3rd-class creditors

Dear Sir/ Madam,

This circular informs creditors about a second provisional distribution of the liquidation dividend to 3rd-class creditors whose claim was admitted to the creditors' priority ranking in April 2017. It is only published on the liquidator's website, subject to a statement relating to the distribution of the liquidation dividend, sent individually by post to each affected creditor, where applicable through their lawyer.

This circular has been translated into English and Portuguese. The original French version shall prevail in the event of discrepancy with the English and/or Portuguese versions.

Provisional distribution of dividends in favour of 3rd-class creditors

a) 2nd provisional distribution of the dividend in favour of 3rd-class creditors

At the liquidator's proposal, the Supervisory Committee (at its meeting of 23 September 2020, as well as by circulation) and FINMA (by correspondence of 1 February 2021) approved a 2.2% 2nd provisional distribution of the liquidation dividend in favour of 3rd-class creditors whose claim was admitted to the creditors' priority ranking in April 2017, less 30% withholding on claims for damages related to investments in Espírito Santo Group (French acronym: **GES**) products.

The liquidation dividend to be paid to the above-mentioned creditors in this second provisional distribution is approximately CHF 16.1 million.

b) Determination of the amount to be provisionally distributed

(i) Determination of the liquidation dividend

The liquidator will distribute a 2nd provisional dividend equivalent to 2.2% of 3rd-class claims in the creditors' priority ranking published in April 2017. As a reminder, the 1st provisional distribution was equivalent to 2.8%.

This dividend was determined on an estimated basis of the cash available to the estate at the time of distribution, less the provisions estimated by the liquidator in relation to known claims of creditors as well as the future costs of the liquidation.

(ii) Creditors eligible for the 2nd provisional distribution of the dividend

Claims considered eligible for the 2nd provisional distribution of dividends are claims admitted to the creditors' priority ranking of April 2017 (by decision of the liquidator, the judicial authority having competent jurisdiction in the event of an action to dispute the creditors' priority ranking, or by a settlement agreement).

Only creditors permanently included in the creditors' priority ranking in April 2017 will participate in this provisional distribution. Amounts potentially due to creditors whose claims are suspended or are the subject of an action disputing the creditors' priority ranking will be retained by the estate to be distributed to the extent that their claim is permanently admitted to the creditors' priority ranking.

Claims admitted to the additional creditors' priority ranking of October 2020 will be the subject of a separate circular when the liquidator has received confirmation from the competent authorities that the claims have not been contested by other creditors to the bankruptcy estate (article 250 paragraph 2 of the Swiss Debt Enforcement and Bankruptcy Act [LP]). Claims admitted to the additional creditors' priority ranking of October 2020 that were generated after 13 December 2017 only benefit from the 2nd provisional distribution of the dividend (2.2%) and do not participate in the 1st provisional distribution (late claims – Article 251 paragraph 3 LP).

(iii) Treatment of claims for damages

For the reasons set out in the liquidator's Circular no. 14 (March 2018) on the 1st provisional distribution of the dividend, which is available on the liquidation website (<http://liquidator-bpes.ch/>), a 30% deduction will also be applied to the amounts to be provisionally distributed to creditors admitted to the 3rd class due to a claim for damages against GES companies. This deduction shall not apply where the creditor has waived any liquidation proceeds of the GES entity affected by the claim for damages, namely where the creditor has waived the securities issued by that GES entity or where the creditor has assigned to the estate the claim arising from the fiduciary investment with that entity.

The other information in point 3, letter b) (ii) of the above-mentioned circular remains applicable to the 2nd provisional distribution of the dividend.

(iv) Commitments by creditors benefiting from the provisional distribution

The commitments made by creditors under the 1st provisional distribution of funds, namely:

- undertaking to pay back to the estate any overpayment in the event that the amount paid to them exceeds the dividend to which they would ultimately be entitled;
- waiving any indemnification (particularly from the bankruptcy estate, the liquidator, the Supervisory Committee or FINMA) in connection with a potential overpayment of other creditors related to this early distribution which may not be able to be recovered by the bankruptcy estate;
- henceforth assigning to the bankruptcy estate, to the extent necessary, all rights against and with respect to issuing entities of the GES whose liquidation dividend would result in an overpayment to the creditor(s) concerned;

the above also apply to any beneficiary of the 2nd provisional distribution of funds.

c) Payment terms and other information

Each creditor affected by this circular will receive a statement relating to the distribution of the liquidation dividend. Creditors who have already completed the form attached in Appendix 1 to the liquidator's Circular no. 14 (March 2018) on the 1st provisional distribution of the dividend need not come before the liquidator again, unless they wish to change their banking details for payment of the 2nd provisional distribution. They should do so by 31 March 2021, failing which the liquidator will consider that the banking details are still valid. Creditors who change their banking details for payment of the 2nd provisional distribution are requested to provide the liquidator with a legible copy of their valid identity document; where the creditor is a legal entity, a copy of the local register of companies of the legal entity in question should be provided, along with an indication of the persons authorised to commit the company as well as a copy of their identity documents.

Creditors who have not yet got in touch with the liquidator should complete the statement and return the original to the liquidator by post (sending via e-mail is not sufficient). In order to be able to carry out legitimisation verifications and anti-money laundering audits, every creditor who has not yet contacted the liquidator is requested to provide the latter with a legible copy of their valid identity document (passport, identity card). This copy does not have to be notarised or apostilled. Where the creditor is a legal entity, a copy of the local register of companies of the legal entity concerned should be provided to the liquidator, indicating the persons authorised to commit the company as well as a copy of their identity documents. These copies do not need to be notarised or apostilled.

The distribution will be done in Swiss francs (CHF), therefore the bank account provided to the liquidator must allow payment of an amount in CHF. The bank account

must be in the name of the creditor or their lawyer validly engaged by means of a signed power of attorney and including a collection mandate. No payment may be made in cash.

30% of the amounts to be provisionally distributed to creditors admitted to Class 3 shall not be deposited and will not bear interest. The bank transfer fee will be split among the creditors and the bankruptcy estate in the proportion of 50% each. Creditors' attention is drawn to the fact that overseas payments are likely to result in additional bank transfer fees. Due to the amount of bank transfer fees, amounts to be distributed that amount to less than CHF 50 will not be paid as part of the provisional distribution of the dividend and will be retained for a subsequent distribution, if applicable at the time the final dividend is distributed.

In the event of the death of a creditor, the liquidator must receive a copy of the heir certificate(s). This copy does not have to be notarised or apostilled. The delivery of such a certificate is required even when the heir is already known to the liquidator in the event that the certificate is not in the hands of the liquidator. Where the bank account to which the early dividend is to be paid is not in the name of the community of heirs and the share attributable to each heir does not appear on the heir certificate (as is the case in Switzerland, for example), the heirs shall provide the liquidator with a copy of the distribution document, thereby enabling the liquidator to determine the share attributable to each heir. This copy does not have to be notarised or apostilled. It may be replaced by the signature of the statement relating to the distribution of the liquidation dividend by all heirs. In all cases, each heir shall provide a legible copy of their valid identity document (passport, identity card). This copy does not have to be notarised or apostilled. The amount shown in the statement relating to the distribution of the liquidation dividend includes the total amount due to the community of heirs. In the event of duly documented distribution, the heirs will each receive their share.

The liquidator is at your disposal should you have any queries about this matter.

Yours faithfully,

The Liquidator, Carrard Consulting SA