

26 May 2012

## GENERAL FAQs RELATING TO THE CREDITORS' MEETING

### SECTION I: CREDITORS' MEETING

#### **Q1: What is the purpose of the shareholders' and creditors' meeting?**

- An Extraordinary General Meeting of the members of MFGS will be convened on 28 May 2012, at which MFGS' sole shareholder is to resolve to place MFGS in liquidation and to appoint the Provisional Liquidators as the Liquidators to MFGS, so as to enable them to continue the winding down of the business of MFGS for the benefit of the MFGS' creditors, customers and other stakeholders. The appointment of the Provisional Liquidators will thereafter, and in any case by 1 June 2012, cease (barring any further extension).
- The meeting of the creditors will thereafter be convened for the purposes of:-
  - receiving a statement of the Company's affairs together with a list of creditors and estimated amounts of their claims;
  - confirming the appointment of Messrs Chay Fook Yuen, Bob Yap Cheng Ghee and Tay Puay Cheng all care of KPMG Services Pte. Ltd., 16 Raffles Quay #22-00 Hong Leong Building Singapore 048581, as the joint and several Liquidators of MFGS pursuant to Section 297(1) of the Companies Act (Cap.50) for the purposes of winding up the affairs and distributing the assets of MFGS at such remuneration based on time costs (the "**Liquidators**");
  - appointing a Committee of Inspection of not more than 5 members, if necessary;
  - resolving that the bank accounts necessary for the orderly winding up of MFGS be opened with bank(s) by the Liquidators and/or the bank accounts as may have already been opened by the Provisional Liquidators of MFGS be maintained by the Liquidators for purposes of the orderly winding up of MFGS;
  - appointing a solicitor and/or any agent or person to assist the Liquidators in carrying out their duties in the winding up of MFGS; and
  - any other business.
- The Provisional Liquidators and the Directors of the Company will be present at the Creditors' Meeting. At this Creditors' Meeting, relevant information relating to the financial position of MFGS and its inability to continue business as at 1 November 2011, the affairs of MFGS, the progress of the winding up of MFGS, the work carried out by the Provisional Liquidators, and the costs and expenses incurred thus far in the winding up of MFGS, will be presented by the Provisional Liquidators and/or the

Directors of MFGS at the Creditors' Meeting. This is in line with the directions of the Singapore High Court on 11 May 2012.

- The creditors will also be given an opportunity to raise any legitimate query they may have regarding the above at the Creditors' Meeting.

**Q2: When and where will the meeting of the creditors of MFGS be held?**

- The meeting will take place at 2.30 pm. on Monday, 28 May 2012 at Orchid Country Club, Grand Ballroom, 1 Orchid Club Road, Singapore 769162. Notification of the meeting of the creditors of MFGS and the details thereof have been despatched to the creditors of MFGS by post, a copy of which can also be found on the MFGS' website.

**Q3: Am I a creditor of MFGS?**

- All known creditors of MFGS have been notified of the creditors' meeting.
- Anyone who has a claim against MFGS for a debt due and owing from MFGS is potentially a creditor of MFGS and should lodge a Proof of Debt with MFGS.
- If you are a customer of MFGS, see Answers to Questions 10 to 17 below.

**Q4: How were creditors of MFGS notified of the creditors' meeting?**

- Creditors of MFGS known to the Provisional Liquidators were notified of the creditors' meeting in writing by post. The Provisional Liquidators also posted a notification regarding the creditors' meeting on MFGS' website at <http://mfglobal.com.sg> and advertised the same on The Business Times on the same day i.e. 8 May 2012.

**Q5: Do I have to attend the creditors' meeting?**

- If you have been notified by MFGS as a creditor of MFGS, you may attend the creditors' meeting, however, you may wish to note that attendance at the creditors' meeting is not mandatory.
- Creditors of MFGS who wish to vote, but are unable to attend the creditors' meeting, may appoint a proxy to attend and vote on their behalf.

**Q6: If I am not informed of the creditors' meeting, can I still attend the meeting?**

- If you believe you are a creditor of MFGS but did not received notice of the creditors' meeting, this may be due to you not being known or identified as a creditor of MFGS by the Provisional Liquidators.
- Creditors of MFGS who do not receive the above notice and wish to attend the creditors' meeting may submit their request by way of email to:- [sg-mfglobal@kpmg.com.sg](mailto:sg-mfglobal@kpmg.com.sg), with the subject header "*Creditors' Meeting*".

**Q7: I am a creditor of MFGS and wish to appoint a proxy to attend the creditors' meeting and vote on my behalf. Do I give a general proxy or a special proxy?**

- You may appoint either a general proxy or a special proxy to attend the creditors' meeting and vote on your behalf.
- You are, in any event, advised to consult your own legal and/or professional advisors as to the lodgment of proxies for the creditors' meeting.

**Q8: I am a creditor of MFGS and wish to appoint a special proxy to attend the creditors' meeting and vote on my behalf. Do I have to indicate whether I am voting 'for' or 'against' each of resolutions set out in the Special Proxy Form?**

- If you have appointed a special proxy, you are required to specify whether you are voting 'for' or 'against' each of the resolutions numbered 1 to 4 in the Special Proxy Form.
- If you do not specify your vote in respect of any of the resolutions set out in the Special Proxy Form, you will be deemed to have abstained from voting on the relevant resolution, and your special proxy will not be entitled to vote on the relevant resolution at the creditors' meeting.
- You are, in any event, advised to consult your own legal and/or professional advisors as to the completion and lodgment of the Special Proxy Form.

**Q9: I am a creditor of MFGS and have appointed a special proxy to attend the creditors' meeting and vote on my behalf. Can my special proxy vote on resolutions which are not set out in the Special Proxy Form?**

- In the event that resolutions are tabled at the creditors' meeting that are not set out in the Special Proxy Form, the special proxy may vote on such resolutions.

**SECTION II: SUBMISSION OF PROOF OF DEBTS - GENERAL**

**Q10: If I submit a Proof of Debt, will my claim set out therein be deemed as accepted for purposes of voting at the creditors' meeting?**

- No. All duly completed and submitted Proofs of Debts will be assessed and creditors whose claims have been admitted for purposes of voting will be entitled to vote.

**Q11: I am overseas. Are the Provisional Liquidators able to accept my Proof of Debt by email?**

- The Provisional Liquidators require all creditors of MFGS to submit the original, duly completed, Proof of Debt, along with all supporting information and documents relevant to the debt claimed, by post to:-

MF Global Singapore Pte. Limited  
(Provisional liquidators Appointed)  
c.o KPMG Services Pte. Ltd.  
16 Raffles Quay #22-00  
Hong Leong Building  
Singapore 048581  
(Ref. Proof of Debt)

- The Provisional Liquidators however appreciate that there may be creditors of MFGS who may face difficulties in complying with the stipulated timeline for submission by post, 20 April 2012.
- As such, creditors of MFGS may wish to submit scanned copies of their duly completed Proof of Debt by way of email to:- [sg-mfglobal@kpmg.com.sg](mailto:sg-mfglobal@kpmg.com.sg), with the subject header "*Proof of Debt*", by 20 April 2012, with the original duly completed Proof of Debt submitted by post to the above address by close of business 27 April 2012.
- If creditors are unable to meet the above timeline, please notify the Provisional Liquidators as soon as possible, by way of email to: [sg-mfglobal@kpmg.com.sg](mailto:sg-mfglobal@kpmg.com.sg)

**Q12: What happens if I do not submit my Proof of Debt by 20 April 2012?**

- The Provisional Liquidators require all creditors to submit their respective Proofs of Debt by 20 April 2012 so as to allow them sufficient time to consider and assess submitted claims, for purposes of facilitating attendance and voting at the creditors' meeting.
- Creditors who are unable to submit their Proofs of Debt by 20 April 2012 should attempt to do so by close of business on 27 April 2012.

- Please note that failure to submit your Proof of Debt does not prejudice your rights or entitlements to prove in the winding-up of MFGS. You will have further opportunities to submit a Proof of Debt after the creditors' meeting.

### **SECTION III: SUBMISSION OF PROOF OF DEBTS - CUSTOMERS**

**Q13: I am a customer of MFGS to whom proprietary monies are owing – do I need to submit a Proof of Debt?**

- Customers of MFGS (including those who traded in securities through MFGS) are not required to submit a Proof of Debt in respect of any claim that such customer may have for proprietary funds or proprietary assets (including securities) maintained with MFGS which have yet to be returned to such customers.
- For customers who traded in leveraged foreign exchange or bullion with or through MFGS, please also see Answers to Questions 16 and 17 below.
- The non-submission of a Proof of Debt in this regard, or non-inclusion of such claim in any Proof of Debt submitted by you, will not prejudice any proprietary right or entitlement you may have to your proprietary and segregated funds or assets held by MFGS.

**Q14: I am a customer of MFGS to whom proprietary monies are owing from MFGS – am I entitled to attend and vote at the creditors' meeting?**

- Only creditors of MFGS are entitled to attend and vote at the creditors' meeting of MFGS. However, given the interests of customers in the affairs of MFGS, customers may attend the creditors' meeting if they wish to. Please note that customers are, however, not entitled to vote at the creditors meeting if they have no valid claims for debts due and owing from MFGS. See also Answers to Questions 10-17.
- If you have claims for debts against MFGS please submit a Proof of Debt in respect of such claim, and if valid, you may attend and vote at the creditors' meeting, to the extent that such claims have been admitted for the purposes of voting.

**Q15: If I do not need to submit a Proof of Debt for my claim for the return of proprietary funds or assets, why did you send me a Proof of Debt?**

- Proof of Debt forms have been sent to all customers of MFGS to enable them to prove in the winding up of MFGS for any debt which may be due and owing by MFGS to them (other than in respect of proprietary funds or assets). Such debt may be claimable against MFGS' general pool of assets available for distribution to its creditors.
- You are advised to consult your own legal and/or professional advisors as to the submission of a Proof of Debt and/or your rights as a creditor of MFGS, if any.

**Q16: If I traded in Contracts for Differences (“CFDs”) and are owed margins and/or profits, do I need to submit a Proof of Debt in respect of the same?**

- See Answers to Question 10 above.
- You are advised to consult your own legal and/or professional advisors as to the submission of a Proof of Debt and/or your rights as a creditor of MFGS, if any.

**Q17: If I traded in futures and options and are owed margins and/or profits by MFGS, do I need to submit a Proof of Debt in respect of the same?**

- See Answers to Question 10 above.
- You are advised to consult your own legal and/or professional advisors as to the submission of a Proof of Debt and/or your rights as a creditor of MFGS, if any.

**Q18: If I am a customer who traded in equities and maintain a securities accounts with MFGS, do I need to file a Proof of Debt?**

- See Answers to Question 10 above.
- You are advised to consult your own legal and/or professional advisors as to the submission of a Proof of Debt and/or your rights as a creditor of MFGS, if any.

**Q19: If I traded in leveraged foreign exchange (“LFX”) or bullion with or through MFGS and have claims for unpaid profits, do I submit a Proof of Debt? If so, what quantum should I assert if I have not received a final statement of account from MFGS?**

- If you are a LFX / bullion customer of MFGS and have claims for unpaid profits, such profits may constitute debts owing by MFGS to you. As such, you may wish to consider submitting a Proof of Debt to assert your claim for such profits. You are advised to consult your own legal and/or professional advisors in this regard.
- The Provisional Liquidators recognise that LFX / bullion customers of MFGS have only received interim and provisional (and not final) statements of account from MFGS, and may therefore not know the precise amount of unpaid profits owing by MFGS to them. Pending the receipt of such statements, LFX / bullion customers of MFGS who have claims for unpaid profits and wish to submit Proofs of Debt may wish to consider doing so based on the prices stipulated in the Interim & Provisional Statement of Account (although such proofs remain subject to assessment and/or adjudication). If you are an LFX / bullion customer but have not received such Statement, you may wish to consider calculating such profits based on your own estimates.

- Please note that LFX / bullion customers of MFGS who do not submit a Proof of Debt at this stage in respect of unpaid profits, will not be prejudiced or barred from doing so at a later stage. Customers who have submitted Proofs of Debt for purposes of the creditors' meeting will not be prejudiced or barred from varying the amount claimed at a later stage, when the final position under such customer's account has been ascertained.
- You are, in any event, advised to consult your own legal and/or professional advisors as to the submission of a Proof of Debt and/or your rights as a creditor of MFGS, if any.

**Q20: Why do unpaid profits arising from open LFX and/or bullion positions constitute unsecured debts, instead of constituting part of the pool of segregated customer funds?**

- Unpaid profits arising from LFX / bullion transactions are not held in MFGS' customer segregated accounts. This is because these transactions were entered into with MFGS as principal, and by virtue of MFGS having been placed in provisional liquidation, profits arising from open positions as of 31 October 2011 would not be comprised in segregated customers' accounts and will therefore constitute a debt owing by MFGS.

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*(Note: The information contained and the matters stated herein are based solely on the books and records of MFGS as reviewed by the Provisional Liquidators of MFGS, and/or information and documents in the possession of MFGS and known to the Provisional Liquidators of MFGS. Whilst such information and matters are true and/or accurate to the best of the knowledge, information and belief of the Provisional Liquidators, some of the information and/or matters may be subject to change.*

*This document provides in summary form answers to some of the questions that creditors or customers of MFGS may raise, purely for general guidance and information. It does not constitute and should not be construed or relied upon as legal advice, and no representation, assurance or warranty is made by the Provisional Liquidators of MFGS and/or MFGS as to the accuracy or reliability of the information contained herein. The Provisional Liquidators of MFGS shall not be liable in any manner whatsoever for any reliance which may be placed on such information. You are advised to seek independent legal or professional advice in respect of the matters discussed above.)*