

**TWENTY-SIXTH PUBLIC LIQUIDATION REPORT**

Date: 20 July 2017

Company details	N.V. De Indonesische Overzeese Bank (The Indonesia Overseas Bank) (" <b>Indover</b> ")
Liquidation number	08.0579 – F
Date of bankruptcy order	1 December 2008
Trustees in bankruptcy	<i>mr. A. van Hees and mr. drs. C.M. Harmsen</i>
Delegated judge	<i>mr. W.F. Korthals Altes</i>
Business activities	Banking
Consolidated turnover in 2007	EUR 20,498,000
Reporting period	1 January 2017 to 30 June 2017 inclusive

**TWENTY-SIXTH PUBLIC LIQUIDATION REPORT – OUTLINES****(A) General**

In the first twenty-five public liquidation reports, the trustees in bankruptcy (the "**Trustees**") reported on their work during the period from the bankruptcy date (1 December 2008) to 31 December 2016 inclusive. In this public liquidation report, the Trustees report on the work that they have performed during the period from 1 January 2017 to 30 June 2017 inclusive.

**(B) Indover Asia Limited**

The Hong Kong company Indover Asia Limited ("**IAL**") is Indover's sole remaining subsidiary. Indover holds 100% of the shares in IAL.

As of 31 December 2010, IAL was placed in members' voluntary liquidation by means of a shareholder decision which the Trustees took on behalf of Indover. Derek Lai and Darach Haughey from Deloitte Touche Tohmatsu in Hong Kong have been appointed as IAL's liquidators.

The remaining non-performing loans ("**NPLs**") are liquidated in the previous reporting period and for the rest written off, with the exception of the dossier Manohar (see paragraph 1.4 below).

IAL's liquidators also took care of collecting IAL's sole outstanding (performing) loan. This loan has been fully repaid.

See also paragraphs 3.12 and 3.13 below for more on IAL.

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## (C) Claim validation proceedings

The only claim proceedings still remaining are those relating to the claim submitted by Bank Indonesia ("BI") (no. 3 on the list of provisionally disputed claims) in the amount of EUR 43,542,510.95 (see below, paragraph (D)). The Trustees have reserved a sum in the amount of 81% (being the dividend paid to unsecured creditors until now) of this disputed claim in case it is irrevocably established that BI's claim has to be acknowledged.

Please note that the previous reports mistakenly reported that an amount of EUR 43,543 million was reserved for the disputed claims of BI. This amount was indicated as 81% of the total claim of BI of EUR 43,542,510.95. This indication is incorrect. For clarification purposes: the total disputed claim of BI is EUR 43,542,510.95; the reserved amount of EUR 35.269.433,87 represents 81% of the disputed claim of BI.

## (D) Proceedings against Bank Indonesia

In the claim validation proceedings between the Trustees and BI, the Trustees filed a counterclaim. In the counterclaim proceedings, the Trustees are claiming – in brief – compensation from BI so that all of Indover's creditors can be fully paid. The Trustees base their claim on, *inter alia*, various promises from BI that boil down to that BI would ensure that Indover will continue to be able to meet its obligations. On 27 August 2014, the Amsterdam District Court delivered its final judgment. The Court upheld BI's claim for validation of its claim on Indover and dismissed the Trustees' counterclaim.

Briefly summarized, the Court held that the various promises and support provided by BI over the years had as sole purpose to (i) resolve the current, specific problems Indover experienced as from 1998 resulting from the Asia crisis and (ii) the necessary after-care. According to the Court, Indover was not allowed to trust that BI would take more measures than it had actually taken in the past. More in particular, BI would not have been obliged to also ensure that Indover would meet its obligations during the 2008 financial crisis. The Court held that BI has not acted in tort vis-à-vis Indover's creditors either, since the creditors would not have been allowed either to expect more support from BI to Indover than the support BI had already provided.

The Trustees have obtained advice from their lawyers on whether or not to go into appeal. Based on this, the Trustees have concluded that there was sufficient reason to go into appeal. After having obtained a positive advice from the creditors' committee and the authorization of the delegated judge, the Trustees launched an appeal against the judgment by writ of summons dated 26 November 2014. The appeal proceedings are held before the Court of Appeal of Amsterdam. The Trustees submitted their grounds for appeal on 23 June 2015. BI has submitted its defence on appeal including a notice of cross-appeal on 22 March 2016. In its cross-appeal, BI protests the considerations and decisions of the court of first instance regarding BI's claim of immunity from execution. The Trustees have submitted their defence on the cross-appeal with the Court of Appeal on 5 July 2016. The court session took place on 24 January 2017.

The judgment in the claim validation proceedings has been postponed by the Court of Appeal of Amsterdam until 25 July 2017.

As mentioned in paragraph (C) above, in earlier distributions to Indover's creditors, the Trustees have always reserved an amount for BI in case the Trustees' claim would not be

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allowed by the Courts. Should the Trustees be obliged to make a distribution to BI, this distribution will thus not affect payments already received by other creditors.

See, as regards the course of the proceedings, also the previous public liquidation reports.

## 1. INITIAL OVERVIEW

### 1.1. Management and organisation

See also the previous public liquidation reports.

### 1.2. Profit and loss

The cumulative loss over the period 6 October 2008 (the date that emergency regulations were applied to Indover) to 31 December 2016 inclusive amounts to rounded EUR 250,8 million. The cumulative loss can be attributed to the losses that were sustained in the seizure and execution of collateral security by the creditors provided by Indover, and as a result of the early termination of financial derivatives. Furthermore, interest had to be paid on acknowledged claims, accounts receivable have been written off, losses have been realised on the investment portfolio and the foreign currency positions, and liquidation costs have been incurred in the bankruptcy.

### 1.3. Balance sheet

The remaining assets consist primarily of liquid assets: as of 30 June 2017 a total of approximately EUR 46,906 million. The Trustees have reserved an amount of EUR 35.269.433,87 of these liquid assets in light of BI's disputed claim. As noted above, this reservation is 81% of the total disputed claim of BI of EUR 43,543,510.95.

From the remainder the Trustees are paying the costs of the further winding up of the bankrupt estate of Indover. In this regard, one might think of the costs relating to the legal proceedings against BI and the settlement of the remaining loans including in particular the NPLs. The remaining assets consist of the IAL participation and several outstanding loans. Against this are the remaining debts to creditors.

The liquid assets have been placed on deposits at several Dutch banks.

Depending on the outcome of the legal proceedings against BI, the assets may yet increase (significantly).

### 1.4. Current legal proceedings

In addition to the proceedings against BI reported in paragraphs (C) and (D) above, there are currently no other pending proceedings. In relation to the proceedings to which Indover has been involved as a party, the Trustees state the following.

- (a) As stated in paragraph 1.4 of the fourth public liquidation report, Indover's claim for payment of an amount of USD 905,009.10, plus interest and costs, in the proceedings on the merits against Mr. Manohar, has been allowed. No appeal has been lodged against this judgment. Because Mr Manohar refused to pay the claim to the Trustees, the Trustees have filed an application to have Mr Manohar declared bankrupt in Singapore. This application

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has been allowed. The Insolvency & Public Trustee's Office ("IPTO") has now liquidated the bankruptcy of Mr. Manohar and has made a (first and final) payment to the estate. After deducting expenses and taxes an amount of € 578,162.51 remains. The procedure is now settled.

It has been reported previously that Indover had won two of the three proceedings that Kaltimex had initiated against Indover in Indonesia before the Indonesian Supreme Court. The claims brought by Kaltimex were dismissed in all three proceedings. Hence, the current state of affairs is that Indover still has outstanding claims against Kaltimex and Bena Kutai (surety of Kaltimex). These claims are (partially) secured by a right of mortgage, but had already been fully written off by Indover. The Trustees have been approached by a party who claims to have obtained the ownership of one of the mortgaged properties from Kaltimex with a request for a settlement. The Trustees have appraised the mortgaged property. On the basis of the appraisal a settlement agreement is reached with the legal successor of Kaltimex. The Trustees will release all mortgage rights in return for payment of IDR 14,000,000,000.- to the estate. The payment is not yet received by the estate.

See also the previous public liquidation reports.

## 1.5. Insurance

See the previous public liquidation reports.

## 1.6. Lease

See the previous public liquidation reports.

## 1.7. Cause of bankruptcy

See the previous public liquidation reports.

## 2. EMPLOYEES

### 2.1. Date of notice of dismissal

Indover no longer has any employees since the administrative work has been completed. As of 1 February 2011, the accounts of the bankrupt estate are being kept by a former employee of Indover on the instructions of the Trustees, currently on an on-call basis.

### 2.2. Work

See above, paragraph 2.1.

## 3. ASSETS

### Real estate

Paragraphs 3.1 through 3.4: see the previous public liquidation reports.

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## **Operating assets**

Paragraphs 3.5 through 3.8: see the previous public liquidation reports.

## **Stock/work in progress**

Paragraphs 3.9 through 3.11: see the previous public liquidation reports.

## **Other assets**

### **3.12. Description**

The assets that still have to be realised consist of a number of claims and the IAL holding (as regards IAL, see above at paragraph (B)). The book value of the remaining outstanding loans provided by Indover as of 30 June 2017 is approximately EUR 175,495. It is uncertain whether it will be possible to realize this value.

The other assets consist of NPLs of Indover that have been entirely written off.

The ultimate proceeds that can be realised by liquidating IAL will depend in part on the collection of claims of IAL and the amount of the settlement costs. For the moment, it is not possible to reach a reliable estimate of the eventual proceeds from the liquidation of IAL.

On 30 June 2017, IAL's liquid assets amounted to approximately EUR 1,352 million.

### **3.13. Proceeds of sale**

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### **3.14. Work**

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## **4. DEBTORS**

Paragraphs 4.1 through 4.3: in connection with the termination of the activities of the rump bank as at 31 December 2010, the management and liquidation of the remaining loans were taken over by members of the Trustees' team. There were still two outstanding loans that had not been written off. Both loans expired at the end of 2014 (after a prior extension with one year). As the debtors proved unable to refinance the loans provided to them, the Trustees contacted them to discuss a possible extension of these loans. Agreement has been reached with both debtors on the conditions for an extension until 1 July 2015. During that period the loans will be repaid according to an agreed repayment schedule to the extent possible. On 31 August 2015, one of the two loans has been fully repaid. The other loan was extended again until 1 July 2017. A new extension is currently being discussed.

See also above, paragraph 3.12, as well as the previous public liquidation reports.

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## **5. BANK / COLLATERAL**

Paragraphs 3.1 through 5.8: see the previous public liquidation reports. There are no special circumstances to report on these matters.

## **6. RESTART / CONTINUATION**

Paragraphs 6.1 through 6.6: see the previous public liquidation reports.

## **7. LEGAL COMPLIANCE**

Paragraphs 7.1 through 7.6: see the previous public liquidation reports.

## **8. CREDITORS**

Paragraphs 8.1 through 8.7: see the previous public liquidation reports.

## **9. OTHER**

### **9.1. Liquidation period**

See the previous public liquidation reports.

### **9.2. Investigation by Dutch Tax Authorities**

In August 2015, the Dutch Tax Authorities announced an investigation of the turnover tax paid by Indover in the period 2010 to 2014 inclusive. The Trustees and the Dutch Tax Authorities were also discussing the turnover tax that will be charged from 1 July 2016. The Dutch Tax Authorities have imposed an additional VAT assessment for the years 2010 to 2014 inclusive to the amount of (rounded) EUR 9,000.-. In doing so the investigation is now finished. As regards the turnover tax that will be charged from 1 July 2016, the Trustees will continue abiding by their policy of the past years. As a result, the item of the turnover tax is now settled.

### **9.3. Plan of action**

The work of the Trustees in the next reporting period will largely consist of winding up and liquidating IAL (see above, paragraph (B)), the administration and settlement of the remaining credits, conducting the claim validation proceedings against BI (see above, paragraphs (C) and (D)).

Creditors whose address and bank details changed when compared with the data previously communicated to the Trustees are requested to inform the Trustees thereof as soon as possible.

### **9.4. Submission of the next report**

The Trustees will endeavour to issue the following public liquidation report concerning the position of the bankrupt estate within six months. The following public liquidation report can be expected in January 2018. The public liquidation reports and any additional

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information will be made available for consultation by creditors on the website [www.stibbe.com/indover](http://www.stibbe.com/indover).

## **Status of the report**

This public liquidation report is based on the information which has come to the Trustees' attention during the reporting period. Further information may lead to new findings. This means that the contents of this report or the financial information appended to this report may be adapted at any time. Consequently, no rights may be derived from this public liquidation report or from the appendices to this public liquidation report.

Amsterdam, 20 July 2017

*mr. A. van Hees*  
Trustee in bankruptcy

*mr. drs. C.M. Harmsen*  
Trustee in bankruptcy

## TUSSENTIJD'S FINANCIËEL VERSLAG per 30-06-2017 (VERSLAGNR. 26)

in het faillissement van: N.V. de Indonesische Overzeese Bank (The Indonesia Overseas Bank)  
 Faillissementsnummer 08.0579  
 Datum uitspraak 1 december 2008  
 Rechter-commissaris mr W.F. Korthals Altes  
 Curator mr A. van Hees en mr. C.M. Harmsen  
 Voor nadere inlichtingen

Stand per 30-06-2017

A.	BATEN	totaal verslagnr. 25	mutaties sindsdien	totaal verslagnr. 26	af te dragen BTW
		31-12-2016			
1.	<b>aangetroffen middelen</b>				
	kas		€ -		
	bank		€ -		
	giro		€ -		
2.	<b>opbrengsten verkopen</b>				
	verkoop activa	€ 2.630.168,66	€ -	€ 2.630.168,66	
	kosten ivm verkoop		€ -		
3.	<b>debiteuren</b>				
	pre-faillissement debiteuren		€ -		
	boedeldebiteuren	€ 64.681,31	€ -	€ 64.681,31	
4.	<b>overige baten</b>				
	Afwikkeling contracten	€ 46.462.117,72	€ 593.162,51	€ 47.055.280,23	
	Annuleringen	€ 995.445,11	€ -	€ 995.445,11	
	Restitutie (w.o. uitbetalingen Belastingdienst)	€ 744.307,06	€ 34.826,00	€ 779.133,06	
	Rente	€ 173.083,39	€ -	€ 173.083,39	
	Overhevelingen eigen bankrekeningen	€ 105.212.887,27	€ -	€ 105.212.887,27	
	OB bestanddeel	€ 43.553,95	€ -	€ 43.553,95	
	Call gelden en deposito's	€ 239.458.302,04	€ -	€ 239.458.302,04	
5.	<b>totaal</b>	<b>€ 395.784.546,51</b>	<b>€ 627.988,51</b>	<b>€ 396.412.535,02</b>	



<b>B.</b>	<b>REEDS BETAALDE VERSCHOTTEN / BOEDELSCHULDEN</b>	<b>totaal verslagnr. 25</b>	<b>mutaties sindsdien</b>	<b>totaal verslagnr. 26</b>	<b>Terug te ontvangen BTW</b>
	salaris bewindvoerder/curator	€ 10.475.362,49	€ 294.221,90	€ 10.769.584,39	
	Personeel	€ 3.885.551,95	€ -	€ 3.885.551,95	
	Personeelswoningen	€ 88.888,51	€ -	€ 88.888,51	
	Kosten going concern Amsterdam	€ 6.120.281,87	€ -	€ 6.120.281,87	
	Kantoor Hamburg	€ 654.001,28	€ 840,51	€ 654.841,79	
	OB Hamburg	€ 18.066,80	€ -	€ 18.066,80	
	Kantoor Hong Kong	€ 161.967,36	€ -	€ 161.967,36	
	Kantoor Jakarta	€ 406.065,78	€ 96,70	€ 406.162,48	
	Kantoor Singapore	€ 117.664,31	€ -	€ 117.664,31	
	Kosten derden	€ 1.835.714,35	€ 60.127,50	€ 1.895.841,85	
	Bankkosten	€ 4.145,95	€ 50,00	€ 4.195,95	
	Overhevelingen eigen bankrekeningen	€ 107.654.128,60	€ -	€ 107.654.128,60	
	Correctieboekingen	€ 818.420,51	€ -	€ 818.420,51	
	OB bestanddeel	€ 2.500.181,89	€ 70.881,95	€ 2.571.063,84	
	Call gelden en deposito's	€ 259.458.302,04	€ -	€ 259.458.302,04	18-8-16: In 1-jaars deposito
6.	<b>totaal</b>	<b>€ 394.198.743,69</b>	<b>€ 426.218,56</b>	<b>€ 394.624.962,25</b>	
<b>C.</b>	<b>THANS NOG BESCHIKBAAR</b>				
	totaal A	€ 395.784.546,51	€ 627.988,51	€ 396.412.535,02	
	totaal B	€ 394.198.743,69	€ 426.218,56	€ 394.624.962,25	
7.	<b>saldo boedelrekening</b>	<b>€ 1.585.802,82</b>	<b>€ 201.769,95</b>	<b>€ 1.787.572,77</b>	

Nostro Account	Account Blocked (Y/N)	Actual Balance	Pending settlement	Balance after settlement	Balance EUR eq. after settlement	30-jun-17
<b>EUR</b>						
DNB Amsterdam	Y	-		0,00	0,00	1,00
EUROCLEAR Brussels a/c 91888	Y	-		-	-	
Fortis Bank Nederland (Administrator) a/c 24.03.51.568 (Closed)	N			0,00	0,00	
KASBANK Amsterdam (Administrator) a/c 22.27.23.386	N	1.785.072,77		1.785.072,77	1.785.072,77	
KASBANK Amsterdam (Administrator) special acct. a/c 22.27.23.416	N	58.094,08		58.094,08	58.094,08	
KASBANK Amsterdam deposito (1 jaars t/m 11-8-2017)	Y	20.000.000,00		20.000.000,00	20.000.000,00	
ABN Amsterdam (Admin) In the name of Indover) a/c 54.02.38.872	N	60.921,68		60.921,68	60.921,68	
ABN Amsterdam (Admin) Placement Int.bearing 30.12.11	N	-		-	-	
ABN Amsterdam rekening courant	N	1.771,49		1.771,49	1.771,49	
ABN Amsterdam Zakelijk Wachtijd Deposito 31 (53.43.91.400)	N	25.000.000,00		25.000.000,00	25.000.000,00	
ABN Amsterdam Ond.Dep. (1) (Closed)	N	-		-	-	
ABN Amsterdam Ond.Dep.Top (2) (Closed)	N	-		-	-	
ABN Amsterdam Ond.Dep.Top Plus (3) (Closed)	N	-		-	-	
Fortis Bank Asd (Admin) Placement Int.bearing	N	-		-	-	
Fortis Bank Asd (Admin) Placement Int.bearing	N	-		-	-	
ING Bank NV (Adminstrator) a/c 65.41.85.565 Rekening-courant	N	-		-	-	
ING Bank NV (Zakelijke rekening w/h LMA) a/c 65.41.85.999	N	-		-	-	
ING Bank (Zakelijke Spaarrek. w/h ExtraBonus) a/c 65.27.14.501	N	-		-	-	
ING Bank (Zakelijke Kwartaal Spaarrek. w/h TopBonus) a/c 65.26.77.525	N	-		-	-	
ING Bank (Fixe Deposito) a/c 65.04.65.512	N	-		-	-	
ING Bank NV (Admin) Placement Int.bearing 12.12.11	N	-		-	-	
<b>Total EUR:</b>		<b>46.905.860,02</b>		<b>46.905.860,02</b>		
<b>USD</b>						
HSBC New York (Closed)	N	-		-	-	1,1215
EUROCLEAR Brussels a/c 91888	Y	-		-	-	
KASBANK Amsterdam (Administrator) a/c 22.84.69.198	N	-		-	-	
KASBANK Amsterdam (Indover account) a/c 22.83.50.506	Y	-		-	-	
ABN Amsterdam (Admin. In the name of Indover) a/c 62.05.02.029	N	-		-	0,00	
Fortis Bank Nederland (Administrator) a/c 24.03.51.568	N	-		-	0,00	
<b>Total USD:</b>		<b>-</b>		<b>-</b>		
<b>GBP</b>						
HSBC London (Closed)	Y	-		-	-	
KASBANK (Indover account)	Y	-		-	-	
<b>Total GBP:</b>		<b>-</b>		<b>-</b>		
<b>DKK</b>						
Den Danske Copenhagen	Y	-		-	-	7,4547
<b>HKD</b>						
BNI HongKong	Y	-		-	-	10,5546
<b>IDR</b>						
Standard Chartered Jakarta (Closed)		-		-	-	12197,34
<b>JPY</b>						
Standard Chartered Tokyo (Closed)		-		-	-	113,21
BNI Tokyo		-		-	-	
KASBANK (Indover account)		-		-	-	
<b>Total JPY:</b>		<b>-</b>		<b>-</b>		
<b>SGD</b>						
BNI Singapore	Y	-		-	-	1,7682
<b>CAD</b>						
Bank of Montreal Montreal	Y	-		-	-	1,3817
<b>TOTAL EQUIVALENT IN EUR (AFTER SETTLEMENT):</b>					<b>46.905.860,02</b>	