

## DECISION OF THE FINANCIAL SUPERVISORY AUTHORITY (FME)

**on a fifth amendment to the decision of the FME dated 21 March 2009  
on the disposal of assets and liabilities of Sparisjódabanki Íslands hf., ID no. 681086-1379,  
to New Kaupthing Bank hf., ID no. 581008-0150 and the Central Bank of Iceland.**

By the authority of Art. 100a of Act No. 161/2002 on Financial Undertakings, cf. Art. 5 of Act No. 125/2008 on the Authority for Treasury Disbursements due to Unusual Financial Market Circumstances etc., the FME has made the following decision on the disposal of assets and liabilities of Sparisjódabanki Íslands hf.

### PREMISES:

The decision of the FME of 21 March 2009 (called the “prior decision” unless otherwise stated) stated that the decision was based on available information and data. Should it prove to be based on insufficient or wrong information on merits, underlying premises of the decision turn out to be fundamentally inaccurate or the FME consider a different arrangement to be necessary, the FME could make any changes to the decision, including nullifying it in whole or in part, or suspending individual components of it. The decision of the FME of 22 March 2009 stated that it was necessary to revisit the prior decision to the extent to which it pertains to the execution of the transfer of deposits. It had not proved possible to complete the transfer of deposits within the given timeframe of the prior decision due to technical difficulties. This was a complicated project, which was more time consuming than previously believed. For these reasons it was considered necessary to grant an extended deadline to complete the transfer of deposits of Sparisjódabanki Íslands hf. to New Kaupthing Bank hf. and the Central Bank of Iceland. With its decisions of 24 March, 31 March and 7 April 2009, the FME considered it necessary, on the same basis, to further extend the deadline for the completion of the transfer of deposits.

The FME now considers it necessary to revisit the prior decision in light of new information and changed premises which have surfaced in the past days concerning Sparisjódabanki Íslands hf. On the basis of the aforesaid the FME considers it necessary to make the following changes to its prior decision.

### DECISION:

1. The provision of the first sentence of point 1 of the prior decision is altered to read as follows:  
The Central Bank of Iceland takes over the obligations of Sparisjódabanki Íslands hf. due to deposits of savings banks and the Housing Financial Fund.

2. The provisions of point 2 of the prior decision are altered to read as follows: Byr Savings Bank takes over the obligations of Sparisjódabanki Íslands hf. due to deposits of Allianz and its customers. New Kaupthing Bank hf. takes over the obligations of Sparisjódabanki Íslands hf. due to deposits of other parties than stipulated in point 1 and the first sentence of point 2. Deposits are transferred according to the balance and interest earned at the time of transfer, according to point 7 below. This transfer does not necessitate a recall or public announcement. All terms for the deposits in question regarding duration, interest terms, currency, etc. remain unchanged vis-à-vis New Kaupthing Bank hf and Byr Savings Bank. Overdrafts on current accounts along with accompanying collateral rights are transferred to New Kaupthing Bank hf.
3. A new sentence is added to point 3 of the prior decision. Further, New Kaupthing Bank hf does not take over obligations of Sparisjódabanki Íslands hf. due to deposits which deal with specific collaterals of customers of Sparisjódabanki Íslands hf, as applicable, due to claims or derivatives.
4. The provisions of point 5 of the prior decision are altered to read as follows: As repayment for the takeover of deposit obligations according to points 1-3 Sparisjódabanki Íslands hf. assigns its loans to savings banks, totalling approx. 10.9 billion ISK, and its bond claim on Byr Savings Bank in the sum of 1.5 billion ISK, or a combined total of 12.4 billion ISK. The Central Bank of Iceland, New Kaupthing Bank hf. and Byr Savings Bank are the recipients of said payment. They will handle the settlement of the payment between themselves, and to Sparisjódabanki Íslands hf., should there be a difference between the liabilities that were taken over and assets.
5. The provision of the first sentence of point 6 of the prior decision is altered to read as follows: The Resolution Committee of Sparisjódabanki Íslands hf. is in consultation with the FME, and with its approval, mandated to execute this decision; verify the deposits that fall under the coverage of points 1-2 of this decision on the one hand and point 3 on the other hand, prepare the necessary documents to ensure the repayment according to point 5 and the accompanying collateral rights, and consult with New Kaupthing Bank hf., the Central Bank of Iceland and Byr Savings Bank on issues related to the execution.

Other provisions of the prior decisions in this case are unchanged.

THE FINANCIAL SUPERVISORY AUTHORITY

17 April 2009

Gunnar Haraldsson  
Chairman of the Board

Ragnar Hafliðason  
Director General