

DECISION OF THE FINANCIAL SUPERVISORY AUTHORITY (FME)

**on an amendment to the FME decision dated 3 April 2009
on measures according to the acquisition contract between Sparisjóður Mýrasýslu, ID no. 610269-5409,
and New Kaupthing Bank hf. ID no. 581008-0150.**

By the authority of temporary provision VI of Act No. 161/2002 on Financial Undertakings, cf. temporary provision IV of Act No. 44/2009 (formerly Art. 100a in Act No. 161/2002, cf. Art. 5 of Act No. 125/2008), the FME has made the following decision on Sparisjóður Mýrasýslu.

PREMISES:

The FME decision of 3 April 2009 stated that this 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 can make any changes to this decision, including nullifying it in whole or in part, or suspending individual components of it. The FME now considers it necessary to revisit the prior decision to the extent to which it pertains to the take-over of obligations. On the entry into force of Act No. 24/2009, the provisions of Act No. 21/1991 on Bankruptcy, etc. were amended to the effect that claims according to Art. 114, par. 1, point 4 of the Act on Bankruptcy, etc. are no longer considered composition claims. Due to the aforementioned change to the law it is the assessment of Sparisjóður Mýrasýslu and New Kaupthing Bank hf. that the payment arrangement of the purchase contract no longer fulfils the premise for becoming the foundation of composition for the savings bank. The parties have, therefore, agreed on a change to the payment arrangement with an addendum to the purchase agreement dated 3 April 2009, whilst the total repayment remains the same. On the basis of the changed premises the FME considers it appropriate to amend the aforementioned decision. Therefore, the following decision is made to amend point 2, sentence 1 of the FME decision of 3 April 2009.

DECISION:

New Kaupthing Bank hf. takes over the obligations of Sparisjóður Mýrasýslu as stipulated in the aforementioned contract, as amended by an addendum on 10 June 2009, i.e. takes over all collateral claims and preferential claims which fall under Art. 111 and 112 of Act No. 21/1991, cf. Art. 103 of Act No. 161/2002, due to deposits and takes over or pays general claims on Sparisjóður Mýrasýslu in the manner and to the extent stipulated in Art. 2 of the contract.

Other provisions of prior decisions in this case are unchanged.

THE FINANCIAL SUPERVISORY AUTHORITY

15 June 2009.

Gunnar Haraldsson
Chairman of the Board

Gunnar T. Andersen
Director General