

**Bank Hottinger & Cie AG
in bankruptcy liquidation**

Circular No. 12

www.liquidation-bankhottinger.ch

Hotline Bank Hottinger & Cie AG in bankruptcy liquidation

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**Unofficial Translation
of German Original**

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To the bank clients and creditors of
Bank Hottinger & Cie AG in liquidation proceedings

Küsnacht June 2022

**Bank Hottinger & Cie AG in liquidation proceedings;
Circular No. 12**

Dear Sir or Madam,

We are pleased to provide you with information on the status of the insolvency proceedings of Bank Hottinger & Cie AG ("**Bank Hottinger**").

I. LIQUIDATION STATUS AS AT 31 DECEMBER 2021

We have updated the liquidation status effective as of 31 December 2021. Compared to the liquidation status as of 30 December 2020, which we reported to you in Circular No. 11, there have been only a few changes:

The credit balances with banks dropped from around CHF 72.7 million to around CHF 71.4 million. The reduction is mainly due to the execution of payments to creditors and the payment of costs incurred during the liquidation.

The provisions for the O. Ltd. case were adjusted to the changed exchange rate for the US dollar to approximately CHF 50.257 million. Unfortunately, no progress could be achieved in these proceedings. The criminal proceedings in Geneva are still pending. In December 2021, the Geneva prosecutor's office decided to prosecute. For that reason, this matter will probably be prolonged further. Currently, we cannot give any estimate about when the dispute with O. Ltd. is going to be settled.

II. STATUS OF THE SCHEDULE OF CLAIMS

The action brought by the creditor F.E. to contest the schedule of claims was able to be resolved by means of a settlement agreement (see Circular No. 11, section II.1.).

In the meantime, only action to contest the schedule of claims in the amount of approximately CHF 2 million is still pending. The action was approved by the single judge at the Zurich District Court in the amount of CHF 391,600.52. Other than that, the judge dismissed the action. The plaintiff appealed the decision with the Higher Court of Zurich.

III. ASSERTION OF DISPUTED CLAIMS

1. LIABILITY CLAIMS STEMMING FROM THE LUGANO CASE

In the liability proceedings that we initiated in February 2021 at the Commercial Court of the Canton of Zurich (see Circular No. 11, section V.1.), the statements of defence were delivered to us in October 2021. The Commercial Court has now summoned the parties to settlement negotiations in August 2022.

2. INSURANCE CLAIMS STEMMING FROM THE LUGANO AND GENEVA CASES AGAINST CHUBB VERSICHERUNGEN (SCHWEIZ) AG

We had possible claims of Bank Hottinger against Chubb Versicherungen (Schweiz) AG ("Chubb") stemming from the Lugano and Geneva cases evaluated by an external law firm. In the meantime, the statement of claim was elaborated, and the action was brought to the Commercial Court of the Canton of Zurich on 25 March 2022, since the settlement negotiations with Chubb had not led to success. The deadline is currently running for the counterparty to submit the statement of defence.

IV. FURTHER STEPS IN THE PROCEEDINGS

The pending dispute with O. Ltd. is still blocking a large part of the available liquid assets. Furthermore, there are uncertainties in that regard in connection with the development of the exchange rate for US dollars. We also have to keep enough liquid assets for the further proper administration of the proceedings.

For this reason, we are currently unable to execute a third interim payment. We will continue to evaluate this possibility.

We estimate the liquidation dividends at between 54% and 78%. The change in comparison with our last estimate is a result of the adjustment of the provisions for the O. Ltd. case to allow for the changed exchange rate of the US dollar.

The creditors with third-class claims can still expect to receive a dividend in the amount of between 16% and 40%.

We will inform you about the next steps in the proceedings in a Circular in due course.

Yours sincerely,

Bank Hottinger & Cie AG in liquidation proceedings
The Liquidators:

Brigitte Umbach-Spahn

Karl Wüthrich

- Annexes: – Liquidation status of Bank Hottinger as at 31 December 2021 (in German)
– Overview of the status of the schedule of claims (in German)

Bank Hottinger & Cie AG in Konkursliquidation

Status per 31. Dezember 2021

	31. Dezember 2021		Bemerkungen
	CHF		
AKTIVEN			
Barschaft		-	
Kasse Zürich	-		Kasse aufgelöst
Guthaben gegenüber Banken		71'375'558	
Postfinance	55'420		
UBS AG	280		
Zürcher Kantonalbank (Konkursmasse)	13'957'285		
Lombard Odier	57'362'573		
Euroclear	-		
Wertschriften und Beteiligungen		-	
Forderungen gegenüber Bankkunden		3'411'230	
Übrige Forderungen		136'170	
Rückerstattung Mehrwertsteuern	62'170		
Gerichtskaution	74'000		
Verrechnungsteuer	-		
Diverse Forderungen	-		
Anfechtungsansprüche	-		Verzicht
Verantwortlichkeitsansprüche	p.m.		
Grundstücke		-	
Bewegliche Sachen		-	
Mobiliar Genf	-		Verkauft
Mobiliar Zürich	-		Verkauft
Mobiliar Archiv Zürich	-		Verkauft
Fahrzeug Mercedes	-		Verkauft
TOTAL AKTIVEN		74'922'958	
PASSIVEN			
Massenschulden			
Massekreditoren (Steuerrückbehalte und Passive Abgrenzungen)		10'999	
Forderungen Bankkunden (nach Konkurseröffnung)		3'772'967	
Rückstellung für Forderungen gegenüber Bankkunden (Kreditrisiken)		2'560'000	
Rückstellung Forderung O. Ltd. (USD 55'160'396)		50'256'637	
Rückstellung für 1. Abschlagszahlung		3'853'915	
Rückstellung für 2. Abschlagszahlung		1'077'889	
Rückstellung Negativzinsen		1'250'000	
Rückstellung Honorar Liquidatoren		1'500'000	
Rückstellung übrige Liquidationskosten		600'000	
Total Massenschulden		64'882'407	
TOTAL AKTIVEN VERFÜGBAR		10'040'551	

Bank Hottinger & Cie AG in Konkursliquidation

Übersicht über den Stand des Kollokationsverfahrens per 31. Dezember 2021

Kategorie	angemeldet	Im Kollokationsverfahren					Konkursdividende in %			
		zugelassen	als bedingte Forderungen zugelassen	Kollokationsklage hängig	ausgesetzt resp. p.m. oder neu angemeldet	abgewiesen	Abschlagszahlungen	zukünftige Dividende		Total
		CHF	CHF	CHF	CHF	CHF		minimal ¹⁾	maximal ²⁾	
Pfandgesicherte (Outsourcing Lombard Odier)	8'455'446	3'558'229				4'897'217	100%	-	-	100%
Pfandgesicherte (Schadenersatzforderungen)	36'464'785	12'370'000		2'151'414		21'943'371	38%			
1. Klasse	2'484'777	1'048'560				1'436'217	100%	-	-	100%
2. Klasse	373'049	145'207				227'842	100%	-	-	100%
2. Klasse (Bankkunden aus den Büchern)	37'879'500	37'979'500	100'000			-200'000	100%	-	-	100%
3. Klasse	156'751'782	4'672'022	200'000		241'711	151'638'049	38%	15.91%	39.62%	53.91%
3. Klasse (Bankkunden aus den Büchern)	49'692'269	49'544'562				147'707	38%	15.91%	39.62%	53.91%
3. Klasse (O. Ltd.)	87'655'978		87'655'978			-	38%	62.00%	39.62%	100.00%
Total Nachlassforderungen	379'757'586	109'318'080	87'955'978	2'151'414	241'711	180'090'403				77.62%

Bemerkungen

¹⁾ Minimaldividende: Die noch hängige Kollokationsklage für Schadenersatzforderungen aus dem Lugano-Fall muss zu 20 % anerkannt werden und sie wird nur zu 15 % durch Versicherungsleistungen gedeckt; im Übrigen werden keine Versicherungsleistungen bezahlt; die Forderung der O. Ltd. wird als Masseforderung qualifiziert; die übrigen in der 3. Klasse ausgesetzten oder pro memoria kollozierten Forderungen müssen anerkannt werden.

²⁾ Maximaldividende: Die noch hängige Kollokationsklage wird abgewiesen; die Forderung der O. Ltd. wird nicht als Masseforderung qualifiziert; die ausgesetzten oder pro memoria kollozierten Forderungen werden nicht anerkannt; auf den anerkannten pfandgesicherten Schadenersatzforderungen werden keine Versicherungsbeträge geleistet.

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