

# M

COMPANIES FORM No. 395

## Particulars of a mortgage or charge

00400046/AC

# 395

CHWP000

A fee of £10 is payable to Companies House in respect of each register entry for a mortgage or charge.

Please do not write in this margin

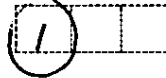
Pursuant to section 395 of the Companies Act 1985

Please complete legibly, preferably in black type, or bold block lettering

To the Registrar of Companies  
(Address overleaf - Note 6)

For official use

Company number



06818185

Name of company

\* insert full name of Company

\* INFINIUM CAPITAL MANAGEMENT LIMITED

Date of creation of the charge

17 APRIL 2009

Description of the instrument (if any) creating or evidencing the charge (note 2)

Master Clearing Agreement for Fortis Bank Global Clearing NV London Branch ("FBGC") (the "Agreement")

Amount secured by the mortgage or charge

All the Client's liabilities and obligations to FBGC under the terms of the Agreement (or any other documentation) entered in to between the Client and FBGC in connection with the services to be provided pursuant to the Agreement (together the "Terms") or otherwise together with any undertaking controlled by FBGC; any direct or indirect parent company of FBGC; or any other person whose business or domestic relationship might reasonably be expected to give rise to a community of interest (an "Associate")

The performance of the Client's obligations under the Terms and under any transaction or any other obligations of the Client to FBGC or any Associate of FBGC.

Names and addresses of the mortgagees or persons entitled to the charge

Fortis Bank Global Clearing NV | London Branch  
5 Aldermanbury Square

London

Postcode EC2V 7HR

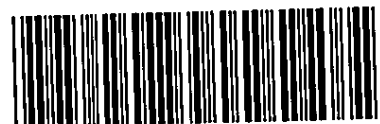
Presentor's name address and reference (if any):

Fortis Bank Global Clearing NV  
5 Aldermanbury Square  
London EC2V 7HR  
(Co. House A/C 00400190)

Time critical reference

For official Use  
Mortgage Section

Agdon  
SHAV in  
error)



PMO 21.04.09 441  
COMPANIES HOUSE

A25 30/04/2009 138  
COMPANIES HOUSE

A37 21/04/2009 161  
COMPANIES HOUSE

Short particulars of all the property mortgaged or charged

By the way of first, fixed charge and pledge over all securities, documents of or entering title to property, cash or other assets of any nature held by or subject to the control of FBGC by way of deposit or margin (or any nominee or custodian of FBGC) for the account of the Client (including without limitation, the benefit of all contractual rights and obligations and any proceeds of sale and any securities or other assets which FBGC has agreed to hold as custodian) and by way of general lien and right of set-off.

If and insofar as the charges contained in the Agreement shall for any reason be ineffective as fixed charges they shall take effect as floating charges which FBGC may at any time by notice in writing convert in to a fixed charge as regards any or all of the charged assets.

Notwithstanding anything contained in the Agreement, the floating charges thereby created shall automatically and without notice operate as a fixed charge immediately the Client charges, pledges or otherwise encumbers (or attempts to charge, pledge or otherwise encumber) any of the assets charged therein without the prior written consent of FBGC.

The Client undertakes that it will not charge, assign or otherwise dispose of or create any interest in any deposits, margin, cash, securities or other assets of any nature furnished or deposited with FBGC by or on behalf of the Client.

Please do not write in this margin

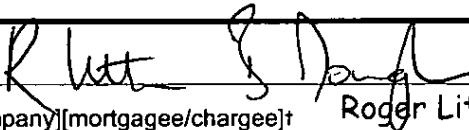
Please complete legibly, preferably in black type, or bold block lettering

795

Particulars as to commission allowance or discount (note 3)

N/A

Signed

 Date

On behalf of [company][mortgagee/chargee]†

Roger Little  
Managing Director

A fee of £10 is payable to Companies House in respect of each register entry for a mortgage or charge. (See Note 5)

† delete as appropriate

Notes

- 1 The original instrument (if any) creating or evidencing the charge, together with these prescribed particulars correctly completed must be delivered to the Registrar of Companies within 21 days after the date of creation of the charge (section 395). If the property is situated and the charge was created outside the United Kingdom delivery to the Registrar must be effected within 21 days after the date on which the instrument could in due course of post, and if dispatched with due diligence, have been received in the United Kingdom (section 398). A copy of the instrument creating the charge will be accepted where the property charged is situated and the charge was created outside the United Kingdom (section 398) and in such cases the copy must be verified to be a correct copy either by the company or by the person who has delivered or sent the copy to the registrar. The verification must be signed by or on behalf of the person giving the verification and where this is given by a body corporate it must be signed by an officer of that body. A verified copy will also be accepted where section 398(4) applies (property situate in Scotland or Northern Ireland) and Form No. 398 is submitted.
- 2 A description of the instrument, eg "Trust Deed", "Debenture", "Mortgage", or "Legal charge", etc, as the case may be, should be given.
- 3 In this section there should be inserted the amount or rate per cent. of the commission, allowance or discount (if any) paid or made either directly or indirectly by the company to any person in consideration of his:
  - (a) subscribing or agreeing to subscribe, whether absolutely or conditionally, or
  - (b) procuring or agreeing to procure subscriptions, whether absolute or conditional,for any of the debentures included in this return. The rate of interest payable under the terms of the debentures should not be entered.
- 4 If any of the spaces in this form provide insufficient space the particulars must be entered on the prescribed continuation sheet.
- 5 Cheques and Postal Orders are to be made payable to **Companies House**.
- 6 The address of the Registrar of Companies is:-

Companies House, Crown Way, Cardiff CF14 3UZ

Page 2



## **CERTIFICATE OF THE REGISTRATION OF A MORTGAGE OR CHARGE**

**Pursuant to section 401(2) of the Companies Act 1985**

**COMPANY NO. 6818185  
CHARGE NO. 1**

THE REGISTRAR OF COMPANIES FOR ENGLAND AND WALES  
HEREBY CERTIFIES THAT A MASTER CLEARING AGREEMENT  
DATED 17 APRIL 2009 AND CREATED BY INFINIUM CAPITAL  
MANAGEMENT LIMITED FOR SECURING ALL MONIES DUE OR  
TO BECOME DUE FROM THE COMPANY TO FORTIS BANK  
GLOBAL CLEARING NV UNDER THE TERMS OF THE  
AFOREMENTIONED INSTRUMENT CREATING OR EVIDENCING  
THE CHARGE WAS REGISTERED PURSUANT TO CHAPTER 1  
PART XII OF THE COMPANIES ACT 1985 ON THE 21 APRIL 2009

GIVEN AT COMPANIES HOUSE, CARDIFF THE 7 MAY 2009

*plc*



**Companies House**  
— for the record —



THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES