

25 June 2013

#### THIS LETTER IS IMPORTANT - PLEASE READ IT CAREFULLY

#### REMINDER OF THE CF ARCH CRU PAYMENT SCHEME

- Investors in the CF Arch cru Investment and Diversified funds have until 31 December 2013 to apply to the payment scheme and accept the offer of payment made to them if they have not already done so.
- If you have decided to make a claim the sooner you complete and return your application under the Payment Scheme the sooner you will receive a payment.

As we have mentioned in our previous communications a £54m package for investors in the CF Arch cru Investment Funds and CF Arch cru Diversified Funds (the "Arch Funds") is being funded voluntarily by Capita Financial Managers Limited (CFM), the authorised corporate director of the Funds; BNY Mellon Trust & Depositary (UK) Limited, the depositary to the CF Arch cru Investment Funds; and HSBC Bank plc, the depositary to the CF Arch cru Diversified Funds.

This package is known as the 'Payment Scheme' and was announced by the Financial Services Authority (FSA) on 21 June 2011. With effect from 1 April 2013 the FSA was replaced by the Financial Conduct Authority (FCA).

Investors in the Arch Funds who are eligible for the Payment Scheme were sent an offer and an application pack on 28 October 2011.

Further information for Nominees and Linked Product Providers is set out in the Appendix to this letter.

### Deadline to accept an offer

We wrote to all investors in the Arch Funds on 29 October 2012 to advise that the deadline for applications to the Payment Scheme had been extended by 12 months to 31 December 2013. This extension was agreed with the FSA and the Depositaries.

This gives you more time to consider and, if you want to, accept an offer made to you under the Payment Scheme.

# How to accept an offer

If you want to accept an offer under the Payment Scheme you must complete the application form that was included in the application pack and return it to CFM by 31 December 2013.

If you need another copy of your application pack you should contact CFM using the details at the end of this letter.

Applications submitted after 31 December 2013 will only be accepted in exceptional circumstances. No applications will be accepted after 31 December 2014.

All other terms on which an offer was made under the Payment Scheme remain the same as those set out in the application pack.

CFM will issue a further reminder letter in October 2013 to those eligible investors who have not accepted their offer of payment under the Payment Scheme or responded to the Application Pack.

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You can get further information about the Payment Scheme, including copies of letters to investors and answers to some frequently asked questions on the CFM website at www.capitafinancial.com. To find this enter the 'Investor Services' section, go to 'Investor Communications' and click on 'CF Arch cru Payment Scheme'.

# When you will receive payment

CFM will make payments within six weeks of receipt of your correctly completed application. .

Therefore, if you have decided to make a claim the sooner CFM receives your application the sooner you will receive a payment.

#### Estimated total return to investors

The net asset value and share price information for the Arch Funds up to and including 31 March 2013 can be seen on the CFM website at www.capitafinancial.com. To find this enter the 'Investor Services' section, go to 'Investor Communications' and click on 'CF Arch cru fund suspensions' then 'Publication of funds' net asset values'.

When the net asset value of the funds as at 31 March 2013 is combined with the interim capital distributions already made, it is estimated that the total return to investors will be an average of 61% of the value of the funds as at 13 March 2009, being the date when dealings in the funds were suspended.

This figure will continue to change based on the value of the remaining assets held by the Arch Funds.

The CFM website also includes further information on how the estimated return to investors is calculated. This explanatory note was based on the net asset values as at 30 September 2011.

The table below compares the estimated return for each of the funds based on the net asset values as at 30 September 2011 with the position based on the net asset values at 31 March 2013.

Fund	Estimated total return based on net asset value at 30 Sep 2011		Movement since 30 Sep 2011
Investment Portfolio	64%	58%	-6%
Specialist Portfolio	73%	68%	-5%
Balanced Fund	70%	65%	-5%
Global Growth Fund	79%	74%	-5%
Income Fund	68%	66%	-2%
Finance Fund	69%	64%	-5%
Total	66%	61%	-5%

NB: Total estimated return figures are rounded to the nearest whole per cent. The returns stated above are after the seventh capital distribution paid on or around 21 December 2012.



We would like to take this opportunity to update investors on other matters that relate to the CF Arch cru Investment and Diversified funds.

# **Distributions**

We wrote to all investors in the funds on 19 December 2012 to advise them of the amount to be paid in the seventh capital distribution from the winding up of the funds.

In total this seventh capital distribution, which was paid on or around 21 December 2012, returned a further £2.69m to investors in the Arch Funds. This means that, when combined with previous capital distributions, £105.93m has now been returned to investors since the commencement of the orderly realisation of the funds in February 2010.

It is intended that further distribution payments will be made as and when suitable amounts of cash have been raised from the assets of the Fund. The exact timing and amount of this distribution is dependent upon assets being realised within the Guernsey incorporated cell companies in which the Arch Funds are invested (the "Guernsey Cells") and the proceeds being returned to the Arch Funds. We will continue to provide investors with as much information as we can in relation to this and other developments affecting the Arch Funds.

As previously advised, distributions made after December 2012 will be made on the date of the publication of revised NAVs.

# FSA findings in relation to CFM

In our letter of 29 October 2012 we informed investors that the FSA would shortly be publishing a notice summarising its findings in relation to CFM's role in the Arch Funds.

As communicated at the time on the CFM website, the FSA published this notice on 26 November 2012 and CFM accepted and acknowledged the FSA's findings. No financial penalty was imposed by the FSA on CFM. As the FSA made it clear in the Final Notice, CFM had already taken significant steps to address the issues identified, which related to the period between June 2006 and March 2009.

# **Summary of claims by Guernsey Cells**

We informed investors in letters dated 29 March and 27 June 2012 that we were aware that the directors of the Guernsey Cells had filed a claim in the English courts in December 2011, seeking approximately £150m in damages. This claim was against Arch Financial Products LLP (Arch) in relation to its former role as the investment manager of the Guernsey Cells.

The Guernsey Cells made claims that Arch managed the assets of the Guernsey Cells in breach of the mandate given to it, in breach of a duty to exercise reasonable care in managing the assets of the Guernsey Cells and in breach of various fiduciary duties owed by Arch to the Guernsey Cells.

Arch filed a defence and counterclaim to the claims on 1 May 2012 and the Guernsey Cells filed their reply and defence to the counterclaim on 22 May 2012. The Guernsey Cells also filed a claim against Arch's chief executive, seeking £20m for dishonestly assisting Arch in breaching its duties. We understand that a trial is scheduled to take place in November 2013.

The Guernsey Cells have also brought claims in the Guernsey Courts totalling £160m against its former administrators, Bordeaux Services (Guernsey) Limited, and the former directors of the Guernsey Cells. These claims relate to the management and valuation of the Guernsey Cells.

The Policy Council of the States of Guernsey announced on 22 April 2013, that an independent mediator had been appointed to assist in attempts to resolve some of the civil claims brought by the Arch Guernsey funds. The appointment will last until the end of June 2013.

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If any money is recovered through these claims or through the process of mediation, this would increase the value of the Guernsey Cells and, in turn, the value of the Arch Funds. This value would be returned to investors in the Arch Funds through the orderly realisation process.

However, there is no certainty at this stage as to whether either the Courts or the mediation process will lead to recoveries that will benefit the Guernsey Cells and hence the Arch Funds. We will keep you informed of material developments.

### Financial Services Compensation Scheme (FSCS)

The FSCS announced on 3 April 2012 that it had decided how it will compensate investors with eligible claims against IFAs that are no longer trading in relation to the Arch Funds.

The detailed announcement can be found on the FSCS website at www.fscs.org.uk.

### Consumer redress scheme

The FCA has put in place a consumer redress scheme in relation to investments in the Arch Funds. Firms that advised customers to invest in the Arch Funds have been required to contact those investors to find out whether they want their investment reviewed.

The reviews are required to look at whether investors were mis-sold the funds and are entitled to compensation. Where compensation is due it will return the investor to the position they would have been in had they received suitable advice.

The consumer redress scheme complements, but is completely separate from the Payment Scheme.

# Year End audited report and accounts for the funds as at 31 March 2013

We can advise that the next audited report and accounts to be sent to investors are for the financial year ending 31 March 2013. Ordinarily we would expect to make the short reports, and the long report and accounts, available at the end of July 2013. However this is dependent upon the timely completion of the 31 March 2013 year end audit of the Guernsey Cells. We are currently working with the various parties involved to ensure that the report and accounts are completed as soon as is possible. All reports, once finalised will be published on the CFM website, www.capitafinancial.com.

### **Individual Investor Statements**

We advised in our letter dated 29 October 2012 that we expected to send individual investor statements, covering the period 1 March 2012 to 31 August 2012, to all investors in the Arch Funds in November 2012, although this was dependent on the timely publication by the Guernsey Cells of their net asset values as at 31 August 2012.

We can now confirm that individual investor statements covering the period 1 March 2012 to 30 September 2012 were sent to all investors in the Funds on 21 December 2012.

In order to ensure that investors are provided with the most up to date information in relation to their holding, it is our intention that the next individual investor statements will cover the period 1 October 2012 to 31 March 2013. We currently expect to send these to all investors in the Funds in July 2013.

### Hardship arrangements

CFM established a hardship scheme in December 2009 to enable investors in the funds that can demonstrate a genuine financial hardship that means there is a pressing need to have some or all of their investment returned to them. The hardship scheme remains open.

Details of the eligibility criteria for making a claim under the hardship scheme, the process for making a claim and how any claims will be handled are set out in a factsheet which can be found on the CFM website at www.capitafinancial.com.

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Applications to the hardship scheme will not affect your rights to participate in the Payment Scheme or any other consumer redress scheme that the FSA may establish.

# **Further information**

If you have any queries about the information in this letter or anything else relating to the CF Arch cru funds you can call us on 0845 608 0958 or email cfarchcru@capitafinancial.com.

You can also write to us at Capita Financial Managers Limited, Technical Services, 2 The Boulevard, City West One Office Park, Gelderd Road, Leeds LS12 6NT.

Yours sincerely,

Chris Addenbrooke Chief Executive Officer

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Capita Financial Managers Limited



# **Appendix**

#### **Nominees and Linked Product Providers**

Nominees, Linked Product Providers and other similar institutional investors should have received an application pack from CFM. They now need to consider, if they have not already done so, whether they need to obtain instructions (and if so, obtain such instructions) from their clients in time to allow applications to the Payment Scheme to be made on their behalf by 31 December 2013.

Further information for Nominees and Linked Product Providers was set out in our letters dated 31 August 2011 and 28 October 2011.

On 29 October 2012 we updated the pro forma letter for Nominees and Linked Product Providers to adapt for the purposes of sending information about the Payment Scheme to their clients if they have not already done so. This pro forma letter remains available on the CFM website at www.capitafinancial.com. To find this enter the 'Investor Services' section, go to 'Investor Communications' and click on 'CF Arch cru Payment Scheme'.

This letter should not be used where Nominees and Linked Product Providers have already provided their client(s) with details about the Payment Scheme (including their offer under the Payment Scheme).

Nominees and Linked Product Providers, who have already written to their clients and have not received any response accepting or rejecting their offer under the Payment Scheme, may wish to consider contacting their clients again and reminding them of the 31 December 2013 deadline for CFM to receive applications.

To help with this, we drafted a pro forma letter in October 2012 for this purpose which remains available on the CFM website at www.capitafinancial.com. To find this enter the 'Investor Services' section, go to 'Investor Communications' and click on 'CF Arch cru Payment Scheme'.