

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Commercial Division

2022
COM/com/00060

IN THE MATTER OF the Digital Assets and Registered Exchanges Act, 2020
(as amended)

AND IN THE MATTER OF the Companies Act, 1992 (as amended),

AND IN THE MATTER OF FTX DIGITAL MARKETS LTD (in Official
Liquidation)
(A Registered Digital Asset Business)

ORDER
(Sanction of the First Amended GSA)

[Handwritten signature]
20.08.24

BEFORE His Lordship, the Honourable Mr. Justice Loren Klein

DATED the 16th day of August, A.D., 2024

UPON THE APPLICATION by way of Summons (“**the Summons**”) filed herein on 15th August 2024 on behalf of the Joint Official Liquidators (“**the JOLs**”) of FTX Digital Markets Ltd. (“**the Company**” or “**FTX DM**”).

AND UPON READING the Affidavit of Keith Smith (“**the Smith Affidavit**”) filed herein on 15th August 2024, and the 6th Affidavit of Brian C Simms (“**6th Simms Affidavit**”) exhibited thereto, and the 2nd Affidavit of Keith Smith filed on 16th August 2024, in support of the Summons.

AND UPON the Court hearing and determining this Application on the papers.

IT IS HEREBY DECLARED AND ORDERED AS FOLLOWS:

1. This Court sanctions the exercise of the JOLs’ powers to amend the GSA, in the terms as set forth in the Amended Global Settlement Agreement annexed hereto at Exhibit 1.

2. Without prejudice to the generality of the order of sanction in paragraph 1 above:
- a. Pursuant to paragraph 4 of the Fourth Schedule, Part I, this Court sanctions the exercise of the JOLs' power to permit certain creditors to be paid in full at an earlier period of time and/or to reduce their claim to \$50,000 in order to fall within the so called "Convenience Class" (**"Convenience Class Claims"**).
 - b. Pursuant to paragraph 5 of the Fourth Schedule, Part I, this Court sanctions the exercise of the JOLs' power as Supporting Parties as defined in the Acceptable Plan to cause the Company to establish a segregated fund (**"the Supplemental Remission Fund"**) to receive any funds otherwise payable to the holders of Allowed Senior Subordinated Government claims as defined in the Acceptable Fund, (**"the Remission Fund Sponsors"**).
 - c. Pursuant to paragraph 7 of the Fourth Schedule, Part I, this Court sanctions the manner in which the JOLs have dealt with the following issues in the Amended GSA relating to or affecting the assets or winding up of FTX DM, specifically:
 - i. the JOLs' power to extend the Bahamas Bar Date to 16th August, 2024 or such other date as the Debtors and FTX DM may reasonably agree for proofs of debt to be filed in the DM Liquidation by creditors and customers wishing to prove in the official liquidation of FTX DM.
 - ii. the JOLs' power to permit customers holding NFT Entitlement Claims to receive in-kind distributions of NFT in accordance with the provisions of the Amended GSA.
 - iii. the JOLs' power to permit holders of Pending EU Digital Asset Withdrawal Claims to exercise the Opt-in election and have their claims settled in the official liquidation of FTX DM in accordance with the provisions of the Amended GSA

- iv. the JOLs' power to pay interest to creditors at the rate of 9% or such lesser rate approved by the Delaware Bankruptcy Court, to the extent that funds are available in accordance with the provisions of the Amended GSA.
 - v. the JOLs' power to make supplemental distributions to certain creditors out of any Supplemental Remission Fund in accordance with the provisions of the Amended GSA.
 - vi. the JOLs' power to cause Unclaimed Distributions to revest in FTX DM and the Claims of holders with respect to such Unclaimed Distributions to, upon revesting, be treated as DM Excess Claims, in accordance with the provisions of the Amended GSA.
 - vii. the JOLs' power not to admit to proof any DM Customer Claim where the holder has not commenced KYC by the KYC Cut-off date.
 - viii. the JOLs' power not to make distributions to holders of DM Customer Claims unless the holder of the claim has satisfied the Distribution Requirements as set out in the Amended GSA namely, a completed IRS Form W-9 or appropriate IRS Form W-8 as applicable.
3. The costs of and occasioned by this Summons shall be paid out of the assets of the Company and/or trust assets.

REGISTRAR

This Order was drawn up by Lennox Paton, Chambers, 3 Bayside Executive Park, West Bay Street and Black Road, Nassau, The Bahamas, Attorneys for the Joint Official Liquidators of FTX Digital Markets Ltd

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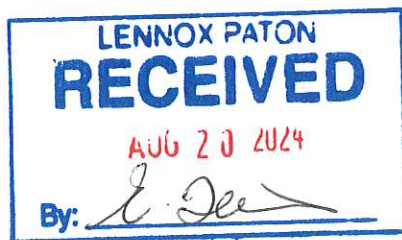
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Time 2:20