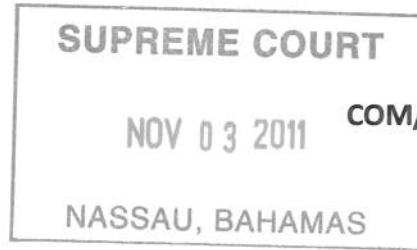


COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
Commercial Division



2011

COM/bnk/00083

**IN THE MATTER OF MONTAQUE CAPITAL PARTNERS LTD.**

**(In Voluntary Liquidation)**

**AND**

**IN THE MATTER OF THE COMPANIES ACT, 1992**

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**AFFIDAVIT OF FITNESS**

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I, **LAURA HATFIELD**, of Solomon Harris, of First Caribbean House, 3rd Floor, PO Box 1990 Grand Cayman KY1-1104, Cayman Islands, make oath and say as follows:

1. This Affidavit is made in support of an application commenced by Montaque Capital Partners Ltd. (In Voluntary Liquidation) ("the Company") seeking inter alia, an Order to continue the winding up of the Company under the supervision of the Court, and an Order for Mr. Kenneth Krys to continue or to carry out the winding-up of the Company in the capacity of Joint Official Liquidator.
2. Unless otherwise stated the facts and matters deposed hereto are within my knowledge and are true. Where the matters deposed hereto are not within my knowledge they are derived from the sources which I identify and are true to the best of my information and belief.
3. I have known and been well acquainted with Mr. Kenneth Melvin Krys for nine years. Mr. Krys is the Founder and CEO of KRyS Global, of Governors Square, Building 6, 2<sup>nd</sup>

Floor, 23 Lime Tree Bay Avenue, PO Box 31237, Grand Cayman, Cayman Islands, a Chartered Accountant and Insolvency Practitioner.


4. I have been advised by Mr. Krys that he was appointed one of the Joint Voluntary Liquidators (together with Mr. Edmund Rahming of Krys Global, Nassau, Bahamas) of Montaque Capital Partners Limited (In Voluntary Liquidation) by a resolution of the shareholders dated 30 September 2011. I am informed that a petition was filed on the 24<sup>th</sup> October 2011 seeking the continuation of the liquidation under the supervision of this Honourable Court.
5. To my knowledge and belief, Mr. Krys has been practising as a qualified Chartered Accountant and Insolvency Practitioner for the past 20 years, and specifically for the past 4 years at KRyS Global, of Governors Square, Building 6, 2<sup>nd</sup> Floor, 23 Lime Tree Bay Avenue, PO Box 31237, Grand Cayman, Cayman Islands. Exhibited hereto and marked, "LH.1" is a copy of the resume of Mr. Krys.
6. Mr. Krys has overseen the liquidation of a number of high profile and complex cross-border insolvency engagements. As well as being a Chartered Accountant and Insolvency Practitioner, Mr Krys is a Chartered Financial Analyst, Certified Fraud Examiner, Certified Anti-Money Laundering Specialist and Chartered Business Valuator.
7. I have represented Mr. Krys as Cayman Islands legal counsel in a number of matters over the last five to six years. In particular, I currently represent him, in his capacity as Official Liquidator of Sextant Strategic Hybrid2 Hedger Resource Fund Offshore Limited and Sextant Strategic Global Water Offshore Fund Ltd ("the Sextant Funds") (and prior to this in his capacity as "Controller", an appointment made by the Cayman Islands Monetary Authority pursuant to the Mutual Funds Law) and Duet Real Estate Partners LLP.

8. Mr. Kryz is a person of respectability and integrity and of good credit and I verily believe that he is a fit and proper person to be appointed Official Liquidator and has no interest in the matter in question in this action.

SWORN to by LAURA HATFIELD )  
At George Town, Grand Cayman )  
This 31<sup>st</sup> day of October 2011 )

  
\_\_\_\_\_  
LAURA HATFIELD

BEFORE ME )

  
\_\_\_\_\_  
Notary Public

Honor O'Dwyer  
Notary Public in and for the Cayman Islands  
My commission expires: 31/1/2012

COMMONWEALTH OF THE BAHAMAS

2011

IN THE SUPREME COURT

COM/bnk/00083

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IN THE MATTER OF MONTAQUE CAPITAL PARTNERS LTD.

(In Voluntary Liquidation)

AND

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CERTIFICATE

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I hereby certify that the attached is a true copy of Exhibit 'LH.1' referred to in the Affidavit of **Laura Hatfield** sworn before me on the 31<sup>st</sup> day of October, 2011, A.D.

Honor O'Dwyer

Honor O'Dwyer  
Notary Public in and for the Cayman Islands  
My commission expires: 31/1/2012

NOTARY PUBLIC



**Kenneth M. KryS**  
 Founder & Chief Executive  
 Kenneth.Krys@KRYs-Global.com

Caves Professional Centre  
 P.O. Box SP-64064  
 Nassau, Bahamas  
 Tel: (242) 327-1447  
 Fax: (242) 327-3288

**Service Lines**

Corporate Recovery & Insolvency  
 Fraud Investigation  
 Forensic Accounting  
 Litigation Support  
 Business Valuations  
 Regulatory Compliance  
 Money Laundering Investigations  
 Business Advisory Services

**Education**

BComm, University of Alberta

**Certification**

Chartered Accountant – CA  
 Certified Fraud Examiner – CFE  
 Certified Fraud Analyst – CFA  
 Certified Anti-Money Laundering  
 Specialist - CAMS  
 Certified Business Valuator – CBV

**Professional Associations**

Vice-President, Cayman Islands  
 Compliance Association  
 Member, CISPA Insolvency Practitioners'  
 Sub-Committee  
 Acting President, Association of Certified  
 Fraud Examiners #123  
 Board of Advisors, ABI Caribbean  
 Insolvency Symposium  
 Member, Association of Management  
 and Research  
 Member, Cayman Islands Society of  
 Chartered Financial Analysts  
 Member, Association of Certified  
 Anti-Money Laundering Specialists  
 Member, The Canadian Institute of  
 Chartered Business Valuators  
 Member, American Bankruptcy Institute  
 Member, Canadian Institute of  
 Chartered Accountants  
 Member, Institute of  
 Chartered Accountants of Alberta  
 Member, Restructuring and Insolvency  
 Specialist Association (BVI) Limited  
 Member, INSOL International  
 Member, International Association  
 for Asset Recovery  
 Former Board Member, Cayman Islands  
 Society of Professional Accountants and  
 its Compliance and Investigations Sub –  
 Committees

Kenneth KryS is the Founder and Chief Executive Officer of KRYs Global and liquidator of a number of high profile and complex cross-border engagements.

Ken was Head of Compliance (Enforcement) of the Cayman Islands Monetary Authority from 2002 – 2004 and responsible for management and administration of regulatory actions and corporate governance and part of the Financial Services Team that assisted in assessing the viability of its financial services industry in 1997 - 1998.

**Selected Engagements**

**Sphinx Group** – 22 hedge funds with \$500 million assets. First opposed Chapter 15. Significant US litigation in US Federal Court involving in excess of 50 defendants, segregated portfolios.

**Fairfield Group** – largest feeder fund invested in Bernard L. Madoff Investments Securities. Opposed Chapter 15. Settlement of Picard preference and fraudulent transfer claims, clawback, and statutory litigation.

**Sextant Funds** – two hedge funds with \$30 million distressed funds. Chapter 15 and Canadian recognition. Assets in Iceland. Settlement with principal.

**PFA Assurance** – Insurance annuity business involving \$30 million fraud. Cayman protocol with SEC Receivers.

**Dyoll Insurance** – domestic insurance insolvency after Hurricane Ivan. First Cayman winding up of a foreign entity. Settlement with Jamaican FSC for release of bond. Returned 65% to policy holders.

**Seagoes Securities** – broker securities firm subject to director fraud. S.304 recognition, preference claim recovery.

**Citrico International** – Cayman holding company with manufacturing operations in Germany, Argentina and Mexico.

**China Taizi Foods Company** – significant manufacturing operations in China. Leading case in Chinese recognition.

**MA Bank** – Argentine bank involved in drug cartel and money laundering. Returned 100% to depositors.

Other notable cases –

- Bank of Credit and Commerce (BCCI)
- Eurobank Corporation
- Cash 4 Titles/ Alfred Billes
- Global Opportunities Fund

- Cayman Islands
- British Virgin Islands
- Bahamas
- Bermuda

**COMMONWEALTH OF THE BAHAMAS**

**IN THE SUPREME COURT**

**Commercial Division**

**IN THE MATTER OF MONTAQUE**

**CAPITAL PARTNERS LTD. (In Voluntary Liquidation)**

**AND**

**IN THE MATTER OF THE COMPANIES**

**ACT, 1992**

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**AFFIDAVIT OF FITNESS**

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**2011**

**COM/bnk/00083**  
*LENNOX PATON*  
**LENNOX PATON**

Chambers

Fort Nassau Centre

Marlborough Street

Nassau, Bahamas

Attorneys for the Petitioner