

15 February 2024

Dear Policyholder,

**RE: Northstar Financial Services (Bermuda) Ltd. (In Liquidation) – Variable Segregated Claims Notification**

1. We write in our capacity as Joint Provisional Liquidators (“**JPLs**”) of Northstar Financial Services (Bermuda) Ltd (in Liquidation) (“**Northstar**”). The purpose of this notification is to inform you of the next steps in Northstar’s liquidation.

Background

2. As you will be aware, by a judgment of Hargun CJ dated 28 July 2023 (the “**Judgment**”), the Court determined the segregation status of certain of Northstar’s accounts. In very broad outline, the Court found that segregated accounts had been validly established in respect of “*variable investments*” made with Northstar. The Court found that “*variable assets*” (being investments acquired in mutual fund houses) formed part of, and were linked to, those segregated accounts.

Variable Directions

3. In light of the findings in the Judgment, the JPLs have sought the directions of the Court (the “**Variable Directions**”) to establish a framework:
  - 3.1. For the valuation of the claims of Policyholders (as defined in the Variable Directions) who have been found by the Court to hold segregated, variable investments and who have claims against their segregated or separate account(s) in respect of those variable investments (“**Variable Segregated Claims**”).
  - 3.2. So that, following any necessary asset realisations, distributions can be made to such Policyholders in respect of their Variable Segregated Claims.
4. In summary, the Variable Directions sought are as follows:
  - 4.1. The JPLs shall be permitted to admit the Variable Segregated Claims, relying on Northstar’s books and records, without requiring any proof of debt to be submitted.
  - 4.2. The JPLs shall then determine the value of each Variable Segregated Claim in accordance with a valuation methodology explained to the Court.

- 4.2.1. In outline, that valuation methodology seeks to ensure that the value of the Variable Segregated Claim is the value of the assets linked to a segregated account net of linked liabilities and other costs and expenses as at the date a policy is surrendered (or is deemed to be surrendered, as discussed in the paragraph below).
  - 4.2.2. If a policy is not surrendered, there shall be a “*Cut-Off Valuation Date*” in the future and the JPLs shall be entitled to treat that policy as having been surrendered as at that date.
- 4.3. The JPLs shall then notify each Policyholder of the value of their Variable Segregated Claim, and Policyholder will have a period of 42 days to object to that valuation.
- 4.4. Unless notice of objection is received by the JPLs at the expiration of that 42 day period, the value of the Variable Segregated Claim as determined by the JPLs shall stand as the value of that Variable Segregated Claim.
- 4.5. The JPLs shall thereafter be entitled to make distributions in respect of the Variable Segregated Claims. The JPLs shall be entitled to carry out such realisations of assets or property of any segregated accounts holding variable investments as may be required to enable payment of the Variable Segregated Claims.
5. Further detail on the Variable Directions is contained in the materials which have been filed with the Court. You are entitled to obtain an electronic copy of those materials in accordance with the process below.
6. In addition, a hard copy of this notification letter will be provided to Policyholders upon request which can be made to the JPLs at [cbcbmnfs@deloitte.com](mailto:cbcbmnfs@deloitte.com).
7. If the Variable Directions are made, the JPLs hope to proceed with the process of valuing the Variable Segregated Claims to enable distributions to be made in respect of those claims in the future as soon as practicable.

#### Procedure

8. The JPLs will seek the Variable Directions from the Court at a hearing to be listed at a future date.
9. By an Order of the Supreme Court of Bermuda dated 19 January 2024 (the “**Procedural Order**”), the Honourable Justice Subair Williams provided procedural directions which would enable Policyholders to:
  - 9.1. Obtain copies of the evidence, legal submissions and draft order which the JPLs filed with the Court on 1 February 2024.

- 9.2. Appear at that future Court hearing to support or oppose the Variable Directions sought, having provided notification to the JPLs.
10. In accordance with the Procedural Order, a copy of which is available on Northstar's website:
- 10.1. At any date on or before **7 March 2024**, you may request an electronic copy of the documents which the JPLs have filed with the Court. This will enable you to understand the JPLs' position further if you wish to do so.
- 10.2. On or before **21 March 2024**, you must notify the JPLs in writing if you wish to oppose or support the Variable Directions sought by the JPLs and you wish to be heard at the hearing at which the JPLs will seek the Variable Directions. If you do not wish to participate in this process, you do not need to take any steps.
- 10.3. If you provide such a notification to the JPLs, you will then have the opportunity to provide the Court and JPLs with any evidence or legal submissions upon which you intend to rely by **4pm on 18 April 2024**. If you intend to participate, we encourage you to consider the terms of the Procedural Order.

The JPLs appreciate your continued support and cooperation during this process. In the meantime, if you have any questions, please contact us as follows:

**Contract Related Queries:** Please contact by e-mail at [support@nfs.bm](mailto:support@nfs.bm)

**Liquidation Queries:** Please contact the JPLs by e-mail at [cbcbmnfs@deloitte.com](mailto:cbcbmnfs@deloitte.com)

Sincerely,  
Northstar Financial Services (Bermuda) Ltd. (In Liquidation)