

**PUBLIC BANKRUPTCY REPORT**  
in the bankruptcy of

The limited liability company IIG Trade Opportunities Fund N.V.  
("TOF")  
(CUR201900079 and CUR2019H00104)

Report number: 6

Date: January 16, 2024.

Bankruptcy number	:	CUR201900079 and CUR2019H00104
Date of court order	:	3 September 2019
Trustee	:	Ms. V.P. Maria, LL.M
Supervisory judge	:	Mr. Pieter de Kort LL.M, (previously:Ms. U.I.D. Luydens, LL.M)
Activities of the organization	:	Investment institution. The bankrupt is an offshore company.
Turnover data	:	See first public report.
Average number of personnel	:	
Balance at end of report period	:	USD 6,677.07
Report period	:	January 18, 2023 – January 16, 2023
Hours spent in report period	:	Maria 22 uren (PM)
Total hours spent	:	Maria 846.5 (PM) / Tromp 222.40

**1. Inventory**

1.1	Management and	:	See first public report.
1.2	organization	:	
	Profit and Loss		
1.3	Balance total	:	
1.4	Ongoing procedures	:	The existing stay for the Arbitration Procedure Girobank N.V. v IIG TOF et al has been extended until June 7, 2024, based on the status of related insolvency proceedings.

1.5 Insurances :

1.6 Lease :

1.7 Cause of bankruptcy :

The trustee extensively addressed the criminal case filed against David Hu and Martin Silver in her previous reports. At the time of drafting the fifth public report in this bankruptcy, it was known that David Hu was incarcerated at WXR - Lompoc FCI and is scheduled for release on November 4, 2032. Hu is not eligible for parole. The U.S. Department of Justice submitted notification on August 11, 2023, stating that David Hu's release date has been changed and is now scheduled to be released on June 14, 2032.

On February 17, 2023, the U.S. Department of Justice Victim Notification System informed that Mr. Martin Silver had been sentenced by the Court. The Court imposed the following penalties:

- Incarceration for 1 year and 1 month;
- Followed by Supervised Release for 3 years;
- Special Assessment fee of \$300;
- Fine of \$364,402,116.

On October 30, 2023, the U.S. Department of Justice notified a change in Martin Silver's release date, it has been rescheduled to November 9, 2023

## 2. Work force

2.1 Number of personnel at the time of bankruptcy :

2.2 Number of personnel in the year preceding bankruptcy :

2.3 Date of dismissal notice :

Activities :

### 3. Assets

#### *IMMOVABLE PROPERTIES*

3.1 Description : According to David Hu, TOF is the ultimate beneficiary owner of a property in the city of Mafra in Brazil. All the official documents mention IIG Capital as the legal owner of the property. IIG Capital has not paid the Property Tax (IPTU) arising from this property and owes to the City of Mafra a total of approximately BRL 90,000.00 (approximately USD 16,000.00), which includes the tax related to the fiscal years of 2015, 2016, 2017, 2018, 2019 and 2020.

Based on the information provided to the trustee by the lawyer's office in Brazil, the transaction documents regarding to above-mentioned property do not state that IIG Capital LLC was acting as agent of a fund, reason why all documents, including the title record certificates of the property only mention IIG Capital LLC as the beneficiary.

Furthermore, the attorney- in fact appointed by IIG, is not willing to continue to represent fiscally the entity of IIG Capital LLC as she was not remunerated for the past year for such services in Brazil.

3.2 Sales proceeds :

3.3 Amount of mortgage :

3.4 Estate contribution :

Activities : The Brazilian law firm, after consulting with the trustee, has engaged a real estate agent to find a buyer for the property. Someone has made an offer on the property. The trustee has not yet made a decision on this offer, now it must first be arranged that IIG Capital can be legally represented for the sale. The trustee is working on this together with Martin Silver's lawyer. The hope was to have all the necessary documents ready before February 8, 2023. However, despite the best efforts of the parties involved, this was not achieved. Additionally, the incarceration of Martin Silver has posed challenges. In December 2023, an apostilled authorization from Martin Silver was successfully sent to the Brazilian Attorney, with the trustee receiving assistance from the TOF lawyer in New York. However, the Brazilian attorney also requires

an apostilled official document related to the existence and good standing of IIG Capital itself. Given that IIG Capital is no longer active, this presents difficulties. The trustee, in collaboration with the TOF lawyer in New York, is exploring how to fulfill the request from the Brazilian attorney.

#### *COMPANY ASSETS*

3.5	Description	:
3.6	Sales revenue	:
3.7	Estate contribution	:
3.8	Right of seizure tax authorities	:
	Activities	:

#### *STOCK/WORK IN PROGRESS*

3.9	Description	:
3.10	Sales revenue	:
3.11	Estate contribution	:
	Activities	:

#### *OTHER ASSETS*

3.12	Description	:	In the fourth public report, the trustee announced the sale of Proexpo in Ecuador. Following this sale, two other companies related to Proexpo had to be liquidated. It concerns Polebrook International Inc., (“Polebrook”) a company incorporated in Panama and Relafir S.A. (“Relafir”) a company incorporated in Uruguay.
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Polebrook was the owner of a shrimp processing and packing plant. The plant was operated and managed by Proexpo, based on a lease agreement between the companies. The plant was sold to Proexpo before the sale of Proexpo to give Proexpo more "substance". This was one of the conditions of the buyer. The legal basis for the purchase and transfer of the plant to Proexpo was based on settlement of claims between Polebrook and Pro-Expo. As Polebrook had no assets, the following step was to liquidate Polebrook. The process for its liquidation has started in 2022. The trustee has been informed that Polebrook has been liquidated on June 9, 2022.

Relafir was the majority shareholder of Proexpo. The sale of Proexpo was done through the sale of the shares of Relafir in Proexpo. As a result, Relafir had no more assets and had to be liquidated. Relafir has not yet entered into a liquidation process. This

is related to the conditions set by Relafir's representative for initiating the liquidation process. The curator hopes to reach a conclusion early this year.

TOF was the beneficiary owner of both companies.

The trustee is in the process of selling another subsidiary of TOF. To avoid that the sales process is negatively impacted, information about the sale will not be shared in a public report until the sale have taken place. The creditors' committee of TOF and the supervisory judge are being informed and consulted about the developments.

3.13	Sales revenue	:
	Activities	:

#### **4. Debtors**

4.1	Number of debtors	:	So far, the trustee has been able to identify two (2) debtors of the bankruptcy estate, being David Hu and Martin Silver for the damage they caused to TOF. Section 1.7 reports on the result of the trial against David Hu and Martin Silver. It should be noted that TOF, after receiving permission from the supervisory judge, has filed a Victim Impact Statement in the case against David Hu for an amount of USD 46,054,934. According to information received by the trustee, it is unlikely that David Hu's victims will receive any money back. So far, David Hu does not provide enough redress. Due to his imprisonment, he is also unable to generate income. It was not necessary to file a victim impact statement in Martin Silver's case.
4.2	Revenue	:	
4.3	Asset contribution	:	
	Activities	:	

#### **5. Bank/Securities**

5.1	Bank Claims	:
5.2	Lease contracts	:
5.3	Description of sureties	:
5.4	Secured creditors	:
5.5	Asset contributions	:
5.6	Conditional ownership	:
5.7	Right of recovery	:
5.8	Liens	:

Activities :

## 6. Company reorganization/continuation

### *CONTINUATION*

6.1 Exploitation/securities :  
6.2 Financial reporting :  
Activities :

### *REORGANIZATION*

6.3 Description :  
6.4 Accountability :  
6.5 Revenues :  
6.6 Asset contribution :  
Activities :

## 7. Legitimacy

7.1 Accounting obligation : The trustee is of the opinion that the fact that David Hu and Martin Silver pled guilty is enough indication that TOF, due to the unlawful acts of among others IIG, David Hu and Martin Silver, did not comply with the accounting obligation as stipulated by the laws of Curaçao. The trustee cannot base the liquidation of TOF on information provided in audited annual accounts or any other financial statement with the aim to inform the investors and other interested parties about the financial rights and obligations of TOF.

7.2 Annual accounts deposit :  
7.3 Auditors' report :  
7.4 Liability to pay-in capital shares :  
7.5 Mismanagement : The bankruptcy trustee concludes that TOF has been mismanaged and that, pursuant to article 16, paragraphs 1, 2 and 9 of the Bankruptcy Code, the actual directors of TOF (IIG, Martin Silver and David Hu) are responsible for the shortfall, being the amount of the debts insofar as these are not settled by liquidation.

7.6 Fraudulent actions : The trustee refers to the information provided under point 1.7 of this report.  
Activities : The trustee has been invited by the United States Attorney to advise if TOF and other entities represented by the trustee were victims of the crimes to which David Hu has pleaded guilty, and to advise the United States Attorney of the amount

of any losses with specific support for the loss calculation.

The trustee approached TOF's counsel in the U.S. to advise the trustee on the best way to approach this matter. After receiving this advice, and discussing said advice with the creditors' committee of TOF, the trustee decided to cooperate with the United States Attorney on this matter, after receiving the supervisory judge approval the Attorneys of TOF have submitted the Victim Impact Statement on behalf of TOF to the United States Attorney on Friday, June 25<sup>th</sup>, 2021.

## 8. Creditors

- |     |                                       |   |  |
|-----|---------------------------------------|---|--|
| 8.1 | Claims on the estate                  | : | Trustee's salary and disbursements (p.m.).<br>BNY Mellon: USD 10.500,00.<br>Trident Trust: (p.m.)        |
| 8.2 | Preferential claim tax authorities    | : | See first public report. The claim of the Internal Revenue service of Naf. 101,505.00 has to be checked. |
| 8.3 | Preferred claim SVB                   | : |  |
| 8.4 | Other preferred creditors             | : |  |
| 8.5 | Number of ordinary creditors          | : | There are a total of 52 unsecured creditors, including 36 redemption investors.                          |
| 8.6 | Amount outstanding ordinary creditors | : | USD 151,031,768.17 plus p.m. The claims haven't been verified by the trustee yet. <sup>1</sup>           |
| 8.7 | Expected bankruptcy settlement method | : |  |
|     | Activities                            | : |  |

## 9. Procedures

- |     |                        |   |  |
|-----|------------------------|---|--|
| 9.1 | Name counterparty(ies) | : | IIG Global Trade Finance Fund Ltd (GTFF) and IIG Structured Trade Finance Fund Ltd (STFF).   |
| 9.2 | Type of procedure      | : | Civil Case based on the law of New York, filed with the Supreme Court of The State of New York County of New York: Commercial Division on December 27, 2019. According to their "Memorandum of law in Support of Plaintiffs' motion for summary judgment in lieu of Complaint Pursuant to CPLR 3213", Plaintiffs requested the Court an order: " <i>1) granting summary judgment in favor of Plaintiffs against Defendant in the amount of USD 14,339,479.97, plus (i) default interest accruing at eleven percent</i> |

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<sup>1</sup> A creditors' list is attached to the second report as Appendix C.

*per annum (11 p.a.) from the date of Guarantor’s failure to pay under the Nonpayment Notice, i.e., December 13, 2019, until the date such obligations are paid in full and (ii) together with all costs and expenses incurred in collecting such past due amounts, consistent with the terms of the Guarantee, the Note and the Security Agreement, including attorneys’ fees and costs, on the grounds that this action is based upon an instrument for the payment of money only and Defendant cannot raise any triable issue of fact, and (2) awarding Plaintiffs such other and further relief as this Court deems just and proper.”*

- 9.3 Current stage in the procedure : This procedure has been preliminary stayed by a Court Order of March 5, 2020 in which the Court granted the Provisional Relief as requested by the trustee. The stay continued under the Order of the Court granting recognition and other relief in aid of a foreign main proceeding dated April 3, 2020 (for more info see 9.4 – 9.6). In the month of May, 2022 a status report of the liquidation of TOF has been filed with the bankruptcy court, on the court’s request.
- 9.4 Name counterparty(ies) :
- 9.5 Type of procedure :
- 9.6 Current stage in the procedure :
- 9.7 Name counterparty(ies) :
- 9.8 Type of procedure :
- 9.9 Current stage in the procedure :

## **10. Various**

- 10.1 Term for completion bankruptcy proceedings : Unknown
- 10.2 Plan of action :
- 10.3 Next bankruptcy report due in Activities : July 2024  
: The tasks that the trustee will need to carry out are related to what is stated under points 3.4 and 3.12 of this report.