

# ORIGINAL

**United States Bankruptcy Court / Southern District Of New York**

Lehman Brothers Holdings Claims Processing Center  
c/o Epiq Bankruptcy Solutions, LLC  
FDR Station, P.O. Box 5076  
New York, NY 10150-5076

**LEHMAN SECURITIES PROGRAMS**

Filed: USBC - Southern District of New York  
Lehman Brothers Holdings Inc., Et Al.  
08-13555 (JMP) 0000045107

In Re: Chapter 11  
Lehman Brothers Holdings Inc., et al., Case No. 08-13555 (JMP)  
Debtors. (Jointly Administered)



Note: This form may not be used to file claims other than those based on Lehman Programs Securities as listed on <http://www.lehman-docket.com> as of July 17, 2009

Name and address of Creditor: (and name and address where notices should be sent if different from Creditor)

**Bank of Kaohsiung, Co., Ltd., c/o Morrison & Foerster LLP**  
1290 Avenue of the Americas, New York, NY 10104  
Attn: Karen Ostad, Tel: 212-468-8041, Email: [kostad@mof.com](mailto:kostad@mof.com)

Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: \_\_\_\_\_  
(if known)

Filed on: \_\_\_\_\_

**Bank of Kaohsiung, Trust Department**  
3F, No. 27 Liu Ho 1<sup>st</sup> Road, Kaohsiung Taiwan R.O.C  
Attn: Szu Hui Chang, Tel: 886-2-7238-5188, Email: [d3105@mail.bok.com.tw](mailto:d3105@mail.bok.com.tw)  
Attn: Ho I-Fang, Tel: 886-2-7238-5188, Email: [d2105@mail.bok.com.tw](mailto:d2105@mail.bok.com.tw)  
Attn: Yuan Chin Shiang, Tel: 886-2-7238-5188, Email: [d0105@mail.bok.com.tw](mailto:d0105@mail.bok.com.tw)  
Attn: Miehljen Cheng, Tel: 886-2-7238-5188, Email: [miehljen@mail.bok.com.tw](mailto:miehljen@mail.bok.com.tw)

Name and address where payment should be sent (if different from above)

**Bank of Kaohsiung, Trust Department**  
3F, No. 27 Liu Ho 1<sup>st</sup> Road, Kaohsiung Taiwan R.O.C  
Attn: Szu Hui Chang, Tel: 886-2-7238-5188, Email: [d3105@mail.bok.com.tw](mailto:d3105@mail.bok.com.tw)  
Attn: Ho I-Fang, Tel: 886-2-7238-5188, Email: [d2105@mail.bok.com.tw](mailto:d2105@mail.bok.com.tw)  
Attn: Yuan Chin Shiang, Tel: 886-2-7238-5188, Email: [d0105@mail.bok.com.tw](mailto:d0105@mail.bok.com.tw)  
Attn: Miehljen Cheng, Tel: 886-2-7238-5188, Email: [miehljen@mail.bok.com.tw](mailto:miehljen@mail.bok.com.tw)

Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

1. Provide the total amount of your claim based on Lehman Programs Securities. Your claim amount must be the amount owed under your Lehman Programs Securities as of September 15, 2008, whether you owned the Lehman Programs Securities on September 15, 2008 or acquired them thereafter, and whether such claim matured or became fixed or liquidated before or after September 15, 2008. The claim amount must be stated in United States dollars, using the exchange rate as applicable on September 15, 2008. If you are filing this claim with respect to more than one Lehman Programs Security, you may attach a schedule with the claim amounts for each Lehman Programs Security to which this claim relates.

Amount of Claim: No less than \$19,867,680, plus interest, premium, fees and other amounts (See Appendix) (Required)

Check this box if the amount of claim includes interest or other charges in addition to the principal amount due on the Lehman Programs Securities.

2. Provide the International Securities Identification Number (ISIN) for each Lehman Programs Security to which this claim relates. If you are filing this claim with respect to more than one Lehman Programs Security, you may attach a schedule with the ISINs for the Lehman Programs Securities to which this claim relates.

International Securities Identification Number (ISIN): See Appendix (Required)

3. Provide the Clearstream Bank Blocking Number, a Euroclear Bank Electronic Reference Number, or other depository blocking reference number, as appropriate (each, a "Blocking Number") for each Lehman Programs Security for which you are filing a claim. You must acquire a Blocking Number from your accountholder (i.e., the bank, broker or other entity that holds such securities on your behalf). If you are filing this claim with respect to more than one Lehman Programs Security, you may attach a schedule with the Blocking Numbers for each Lehman Programs Security to which this claim relates.

Clearstream Bank Blocking Number, Euroclear Bank Electronic Instruction Reference Number and or other depository blocking reference number:

See Appendix (Required)

4. Provide the Clearstream Bank, Euroclear Bank or other depository participant account number related to your Lehman Programs Securities for which you are filing this claim. You must acquire the relevant Clearstream Bank, Euroclear Bank or other depository participant account number from your accountholder (i.e. the bank, broker or other entity that holds such securities on your behalf). Beneficial holders should not provide their personal account numbers.

Accountholders Euroclear Bank, Clearstream Bank or Other Depository Participant Account Number: See Appendix (Required)

5. Consent to Euroclear Bank, Clearstream Bank or Other Depository: By filing this claim, you consent to, and are deemed to have authorized, Euroclear Bank, Clearstream Bank or other depository to disclose your identity and holdings of Lehman Programs Securities to the Debtors for the purpose of reconciling claims and distributions.

Date: OCT. 20, 2009  
Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

[Signature] YUAN CHIN SHIANG GENERAL MANAGER

**FOR COURT USE ONLY**

**FILED / RECEIVED**

OCT 23 2009

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both 18 U.S.C. §§ 152 and 3571

EPIQ BANKRUPTCY SOLUTIONS, LLC

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The questions on the Proof of Claim form include instructions for completing each question. The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.*

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**Date and Signature:**

The person filing this proof of claim must sign and date it. FRBP 9011. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

INFORMATION

**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

**Claim**

A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured, reduced to judgment or not, liquidated or unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal or equitable.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the Claims Agent at the following address:

**Lehman Brothers Holdings Claims Processing**  
**c/o Epiq Bankruptcy Solutions, LLC**  
**FDR Station, PO Box 5076**  
**New York, NY 10150-5076**

**Lehman Programs Security**

Any security included on the list designated "Lehman Programs Securities" available on <http://www.lehman-docket.com> as of July 17, 2009.

**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim, or you may access the Claims Agent's system (<http://www.lehman-docket.com>) to view your filed proof of claim.

**Claims to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

MORRISON & FOERSTER LLP  
1290 Avenue of the Americas  
New York, New York 10104  
Telephone: (212) 468-8000  
Facsimile: (212) 468-7900  
Karen Ostad

*Attorneys for Bank of Kaohsiung Co., Ltd.*

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re	)	Chapter 11
LEHMAN BROTHERS HOLDINGS INC.,	)	Case No. 08-13555 (JMP)
	)	
	)	
Debtor.	)	

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**APPENDIX TO PROOF OF CLAIM FILED BY  
BANK OF KAOHSIUNG CO., LTD.**

**A. Introduction**

1. This appendix to the Proof of Claim of Bank of Kaohsiung Co., Ltd. ("Kaohsiung") is incorporated into the Proof of Claim in its entirety as if fully set forth therein.

2. This Proof of Claim arises generally out of the Lehman Brothers Treasury Co. B.V. ("LBTCo") 18 Month ZAR Quanto USD Libor Range Accrual Notes Due December 11, 2009 (ISIN: XS0368739578) (the "Bonds A"), and 18M ZAR QUANTO USD LIBOR RANGE ACC NTE Due January 4, 2010 (ISIN: XS0374786365) (the "Bonds B"), and the documents related thereto (collectively, the "Bond Documents").

**B. Factual Basis for Claim**

3. LBTCo issued the Bonds A in the aggregate principal amount of Sixteen Million Two Hundred Eleven Thousand Nine Hundred and Forty-Seven (US\$16,211,947) U.S. dollars,

and the Bonds B in the aggregate principal amount of Three Million Six Hundred Fifty-Five Thousand Seven Hundred and Thirty-Three (US\$3,655,733) U.S. dollars (collectively, the “LBTCo Bonds”). Lehman Brothers Holdings Inc. (“LBHI”) is the guarantor of the Bonds A and the Bonds B. Kaohsiung holds the LBTCo Bonds as trustee for its customers in the principal amount of Nineteen Million Eight Hundred Sixty-Seven Thousand Six Hundred and Eighty (US\$19,867,680) U.S. dollars<sup>1</sup> (the “Kaohsiung/LBTCo Bonds”). The table below shows relevant information regarding the Kaohsiung/LBTCo Bonds:

	Principal Amount:	ISIN Number:	Blocking Number:	Account Number:
Bonds A	US\$16,211,947 (ZAR 129,980,000)	XS0368739578	9374986	Euroclear 24918
Bonds B	US\$3,655,733 (ZAR 29,310,000)	XS0374786365	9374985	Euroclear 24918

4. On September 15, 2008, LBHI filed a voluntary Chapter 11 petition with the U.S. Bankruptcy Court for the Southern District of New York.

5. On September 19, 2008, LBTCo filed a petition with the Amsterdam District Court for the granting of a provisional moratorium of payments. The Amsterdam District Court granted this moratorium on the same date and appointed a supervisory judge and an administrator. The administrator concluded, after consultations with the board of directors of LBTCo, representatives of Lehman Brothers International Europe (“LBIE”) and the administrators of LBIE in Amsterdam and London, and on the basis of administrative documents made available to him, that there was no real prospect of LBTCo being able to satisfy its creditors in the foreseeable future. Therefore, the administrator asked the Amsterdam District Court on October 1, 2008 to withdraw the provisionally granted moratorium and to simultaneously order the bankruptcy. LBTCo was declared bankrupt by the Amsterdam District

<sup>1</sup> This amount is comprised of (i) the principal amount of US\$16,211,947 (ZAR 129,980,000) for the Bonds A, (ii) the principal amount of US\$3,655,733 (ZAR 29,310,000) for the Bonds B.

Court on October 8, 2008 with the appointment of a bankruptcy trustee (such proceedings in the Amsterdam District Court, the “Dutch Proceedings”).

**C. Damages**

6. Kaohsiung asserts that LBHI, as the guarantor of the Kaohsiung/LBTCO Bonds, owes Kaohsiung the principal balance of no less than US\$19,867,680, plus such interest, premium, fees and expenses as may accrue pursuant to Kaohsiung/LBTCO Bonds, the Bond Documents and other transaction documents and pursuant to applicable law (collectively, the “Claim”).

**D. Reservation of Rights**

7. Kaohsiung expressly reserves any and all defenses, counterclaims or objections, including, without limitation, the right of setoff, recoupment or similar right, remedy or defense against any claims or counterclaims asserted by LBHI in relation to the Claim, or any other claim arising under the Bond Documents or otherwise described above, including, without limitation, any claim asserted in the Dutch Proceedings against LBTCO and any upward adjustment of the amount of the Claim Kaohsiung may assert pursuant to the valuations established in the Dutch Proceedings.

8. The filing of this Proof of Claim is not an election of remedies and is without prejudice to Kaohsiung’s rights to assert claims against third parties, whether arising out of or relating to the facts and circumstances underlying the Claim, or otherwise. Kaohsiung hereby expressly preserves any and all rights, claims, causes of action, defenses, counterclaims or objections, or any similar rights, remedies or defenses against all persons or entities, whether in this court or elsewhere, whether currently existing or arising in the future, against whom it determines to have claims.

**E. Amendment of Claims**

9. Kaohsiung reserves all rights to adjust and amend this Proof of Claim, including, without limitation, as a result of future events, the discovery and analysis of additional information, the correction of any errors, the resolution of disputes, and the assertion of any rights of setoff or recoupment. This Proof of Claim is intended to include all claims of Kaohsiung against LBHI arising under or relative to the Bond Documents, and Kaohsiung reserves the right to amend this Proof of Claim accordingly or to set forth the Claim with more particularity as it obtains more information.

**F. Other**

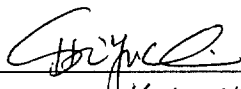
10. No judgment has been rendered on the Claim.

11. The execution and filing of this Proof of Claim is not: (i) a waiver or release of the rights of Kaohsiung against any other entity or person that may be liable for all or any part of the Claim asserted herein; (ii) a waiver of the right to withdraw the reference with respect to the subject matter of the Claim, any objection or other proceeding commenced with respect thereto or any other proceedings commenced in these cases against or otherwise involving LBHI or Kaohsiung; or (iii) an election of remedies that waives or otherwise affects any other remedy.

12. All notices governing this Proof of Claim should be sent to the address set forth on the Proof of Claim form to which this Appendix is annexed as well as to Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, NY 10104, Attn: Karen Ostad, Esq.

Dated: October 20, 2009  
Kaohsiung, Taiwan R.O.C

Bank of Kaohsiung Co., Ltd.

By:   
Name (Print): YUAN CHEN SHIANG  
Title: GENERAL MANAGER

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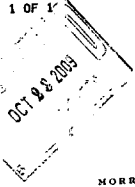
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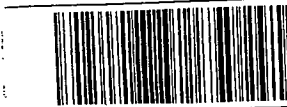
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1

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 Attn: Lehman Brothers Holdings Claims Processing  
 757 Third Avenue, 3rd Floor  
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