

REQUEST FOR INFORMATION ABOUT TRADING PARTICIPATION AS AN “ELIGIBLE CONTRACT PARTICIPANT” (ECP)

As the authorized person interested in participating in various Forex Trading Opportunities, I, the undersigned, do hereby confirm that I have requested from your organization (ATLANTIC PEARL LTD / MT.COOK FINANCIAL) specific confidential information regarding the qualification criteria for Forex Trading Opportunities as an ECP with your organization. This is to first and foremost serve my own interest and purpose via participation as an ECP, and not for further distribution.

By signing this request for information, and attestation, I certify and attest that at no time has your organization or any intermediary / appointee on your behalf made any offer, solicitation, representation, warrantee or guarantee with respect to my request for this information material and attestation.

By signing this document, I hereby declare that I am fully aware that information received or to be received from you is in direct response to my request and is intended solely for my general information from you and your organization at my own choice and free will. Additionally, I confirm that no information shall be deemed to be a solicitation of funds or offer to buy or sell securities in any form.

It is agreed that a Facsimile, scan, email, or any other form of transfer of this document and / or any other related documents are as valid and legal as the original. All statements herein are made under penalty of perjury if not true.

Full Name (Authorized Person):	
Entity Name (if applicable):	
Date:	
Email:	
Phone:	
Address:	
Signature:	

QUALIFICATION REQUIREMENTS OF “ELIGIBLE CONTRACT PARTICIPANTS” (ECP)

Natural Persons and Body Corporates from the United States (definition below), need to qualify as Eligible Contract Participants / ECPs (definition below) by meeting one or more of the standard ECP requirements before they can be accepted at Mt.Cook. Prospective parties must read this document in full and agree to the qualifications as set out below, and may be required to provide additional supporting documentation.

1. DEFINITION OF A UNITED STATES PERSON

V The term “United States Person” means:

1. a resident or citizen of the United States;
2. a partnership or corporation organized under the laws of the United States;
3. any entity not organized under the laws of the United States:
 - a. that has its principal office or place of business in the United States; or
 - i. in which citizens or residents of or entities organized under the laws of or existing in the United States directly or indirectly hold in the aggregate 50 percent or more of the beneficial interests; and
 - ii. that will own directly or indirectly, either alone or together with affiliated persons, an aggregate of more than 9.9 percent of the outstanding securities of the entity in which it is investing; or
 - iii. that is organized principally for passive investment (such as an investment company, a commodity pool or other similar vehicle); and
 - A. in which the amount of units of participation held by United States Persons (other than “qualified eligible participants” as defined in Rule 4.7 under the United States Commodity Exchange Act) represents in the aggregate 10 percent or more of the beneficial interest in the entity;
 - B. that was formed for the purpose of facilitating investment by United States Persons in the relevant entity, or in any other commodity pool with respect to which the operator is exempt from certain requirements of Part 4 of the regulations promulgated by the United States Commodity Futures Trading Commission by virtue of its participants being non-United States Persons; or
 - C. that was formed by United States Persons principally for the purpose of investing in securities not registered under the United States Securities Act of 1933, as amended, unless it is formed and owned by “accredited investors” (as defined in Rule 501(a) under the Securities Act of 1933, as amended) who are not natural persons, estates or trusts;
4. an estate or trust:
 - a. of which an executor, administrator or trustee is a United States Person, unless:
 - i. an executor, administrator or trustee who is not a United States Person has sole or shared investment discretion with respect to the assets of the estate or trust; and
 - ii.
 - A. in the case of an estate, it is governed by non-U.S. law; or
 - B. in the case of a trust, no beneficiary (and no settlor if the trust is revocable) is a United States Person; or
 - b. the income of which is subject to United States income tax regardless of source;
5. any agency or branch of a foreign entity located in the United States;

6. any non-discretionary account or similar account (other than an estate or trust) held for the benefit or account of one or more United States Persons; and
7. any discretionary account or similar account (other than an estate or trust) held by a dealer or other fiduciary organized, incorporated, or (if an individual) resident in the United States, unless it is held by a dealer or other professional fiduciary exclusively for the benefit or account of one or more non-United States Persons.

For purposes of the foregoing, the term “United States” means the United States of America, its territories and possessions, any state of the United States, and the District of Columbia.

2. DEFINITION OF AN ELIGIBLE CONTRACT PARTICIPANT [ECP]

Short Definition

An Eligible Contract Participant generally means:

1. Financial Institutions
2. Insurance Companies
3. Mutual Funds
4. Certain commodity pools with \$5 million or more of assets
5. Certain organizations with, generally, \$10 million or more of assets
6. ERISA plans with \$5 million or more of assets
7. Certain governmental entities
8. Certain broker-dealers and investment banks
9. FCMs
10. Floor brokers
11. An individual with generally \$5 - \$10 million or more worth of assets
12. Certain brokers or investment advisers

Full Definition

The following definition is found in the [Section 1a\(12\)](#) of the Commodity Exchange Act.

Eligible contract participant

The term “eligible contract participant” means—

(A) acting for its own account—

(i) a financial institution;

(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

(iii) an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

(iv) a commodity pool that—

(I) has total assets exceeding \$5,000,000; and

(II) is formed and operated by a person subject to regulation under this chapter or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);

(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

(I) that has total assets exceeding \$10,000,000;

(II) the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or

(III) that—

(aa) has a net worth exceeding \$1,000,000; and

(bb) enters into an agreement, contract, or transaction in connection with the conduct of the entity's business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity's business;

(vi) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

(I) that has total assets exceeding \$5,000,000; or

(II) the investment decisions of which are made by—

(aa) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15U.S.C. 80b-1 et seq.) or this chapter;

(bb) a foreign person performing a similar role or function subject as such to foreign regulation;

(cc) a financial institution; or

(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

(vii)

(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

(II) a multinational or supranational government entity; or

(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II); except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless

(aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of paragraph (11)(A) of this section;

(bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis \$25,000,000 or more in investments; or

(cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii) of this title;

(viii)

(I) a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

(II) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5 (b), 78q (h));

(III) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q (i)); [1]

(ix) a futures commission merchant subject to regulation under this chapter or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

(x) a floor broker or floor trader subject to regulation under this chapter in connection with any transaction that takes place on or through the facilities of a registered entity (other than an electronic trading facility with respect to a significant price discovery contract) or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or

(xi) an individual who has total assets in an amount in excess of—

(I) \$10,000,000; or

(II) \$5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual;

(B)

(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), **acting as broker or performing an equivalent agency function on behalf of another person** described in subparagraph (A) or (C); or

(ii) an investment adviser subject to regulation under the Investment Advisers Act of 1940 [15 U.S.C. 80b–1 et seq.], **a commodity trading advisor** subject to regulation under this chapter, a **foreign person** performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

(C) any other person that the Commission determines to be eligible in light of the financial or other qualifications of the person.

I have reviewed the definitions of an Eligible Contract Participant (ECP) taken from the Commodity Exchange Act and/or as outlined above. As such, it is my firm belief that I am considered a United States Person, and that I qualify as an Eligible Contract Participant. The appropriate basis for my belief and this representation is that I meet **one or more** of the above Qualification Requirements for Eligible Contract Participants (ECPs).

Full Name (Authorized Person):	
Entity Name (if applicable):	
Date:	
Email:	
Phone:	
Address:	
Signature:	