

Dominika Bączek
Judicial supervisor in the settlement process
ACTIV sp. z o. o.
based in Pszczółkama (Pszczółki)
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mailing address:
Przemysłowa 35A budynek B,
84-200 Wejherowo

Via e-mail: activ@drbaczek.pl

In Split, February 17th 2021.

Subject: Notice on initiating the settlement procedure and notice on outstanding debt

Dear madam Bączek,

We have received your Notice on initiating the settlement procedure against ACTIV SPÓŁKA Z OGRANICZONĄ ODPOWIEDZIALNOŚCIĄ, having its registered seat at 83-032 PSZCZÓŁKI, BAŁTYCKA 4, EU VAT: PL9570839508, KRS 0000143622 (hereinafter **ACTIV**) which procedure was initiated before Gdańsk-Północ Municipal Court in Gdańsk VI. Commercial Department on January 5th 2021, case number VI GR 35/20, and we hereby notify you about the underlying business relationship with BRODOSPLIT-INTERJER I ZAVRŠNI RADOVI d.o.o. having its registered office at Split, Put Supavla 21B, EU VAT: HR 12389261947 (hereinafter **BRODOSPLIT**), and ACTIV and the outstanding debt ACTIV has towards BRODOSPLIT, as follows.

On November 29, 2017 ACTIV and BRODOSPLIT have entered into a contract no. 307176 regarding the outfitting of public space areas on the principle of turn-key work for Hull No. 780 as amended afterwards (hereinafter the **Contract**). However, because ACTIV has continuously failed to comply with its contractual obligations (failed to perform the works within the agreed time limits, stopped with the performance of works and failed to provide BRODOSPLIT with prolonged advance payment guarantee etc.), it became abundantly clear to BRODOSPLIT that ACTIV was not willing to meet its obligations under the Contract and that ACTIV could not meet the agreed deadlines which lead BRODOSPLIT to the imminent threat of further severe delays of the completion of the vessel, and consequently facing very substantial liability risks for defaulting on BRODOSPLIT's own contractual obligation to deliver the vessel to the owner. Because of all of the above mentioned, BRODOSPLIT terminated the Contract with the notice of termination dated July 11th 2019.

Furthermore, BRODOSPLIT and ACTIV have on April 5th 2017 entered into Contract NO. SC 306585 regarding the outfitting of public space areas on the principle of turn-key work for Hull No. 483, as amended afterwards (hereinafter the **Contract SC**). Due to the fact that ACTIV has continuously failed to comply with the execution of the CONTRACT SC as well (failed to deliver the equipment, refused to execute the works, tried to increase the contract price with unlawful

acts of extortion/blackmail for which BRODOSPLIT has initiated criminal proceeding) which caused further immense damages to BRODOSPLIT in lieu of gross delays in handover of the vessel to the owner, finding another contractor to execute the works which included additional costs, legal costs etc.

Having in mind all of the above, due to BRODOSPLIT being forced to terminate the Contract and due to ACTIV's gross misconduct and failure to execute the Contract SC, BRODOSPLIT has suffered immense loss and damages arising to the outstanding amount of not less than **3.000.000,00 EUR** (three million euros and zero cents).

Therefore, ACTIV has an outstanding debt towards BRODOSPLIT amounting not less than 3.000.000,00 EUR (three million euros and zero cents), and BRODOSPLIT hereby proposes the said amount to be included in the settlement procedure.

Sincerely,



BRODOSPLIT
INTERIJER I
ZAVRŠNI RADOVI
d.o.o., SPLIT

DAMIR LACIĆ,
member of the management board