

IN THE SUPREME COURT OF SEYCHELLES

IN THE MATTER OF:

LXE Solar Inc.

Petitioner

v/s

The Financial Intelligence Unit

Respondent

CIVIL SIDE NO.169/0

AND

In the matter of the Proceeds of Crime (Civil Confiscation)
Act 2008

Between

The Financial Intelligence Unit

Applicant

and

LXE Solar Inc,

1st Respondent

and

Jie (George) Xiao

2nd Respondent

CIVIL SIDE NO.216/09

AND

IN THE MATTER OF:

LXE Solar Inc.

Petitioner

v/s

The Financial Intelligence Unit

Respondent

Civil Side No.160/09



JUDGMENT BY CONSENT AND SETTLEMENT OF ALL MATTERS BETWEEN THE PARTIES

It is hereby agreed that in full and final settlement of all matters between the parties the following shall be entered as a Judgment by Consent in the abovementioned cases before the Supreme Court.

1. The cases abovementioned are hereby withdrawn and either party is authorised to enter this Judgment by Consent in the said cases.
2. The Seychelles Government and the FIU declare that they have no claims whatsoever and howsoever arising against Dr. Jie (George) Xiao and LXE Solar Inc. or any other company or legal entity owned or associated with Dr. Jie (George) Xiao or LXE Solar Inc. in relation to the funds in the sum of US\$8,555,895.50 (hereinafter referred to as "the funds") presently held in Barclays Bank in Seychelles or connected to the transaction from which the said fund arose whether in Seychelles or in any other part of the world.
3. The Seychelles Government, the FIU or any other agency or agents of the Government of Seychelles undertakes not to lodge any claim or enter any action whatsoever or howsoever arising. whether civil, criminal or of any other nature under the laws of Seychelles or any other laws before any court, tribunal, arbitrator or any other adjudicating authority in Seychelles or any other part of the world against Dr. Jie (George) Xiao or LXE Solar Inc. or any other company or legal entity owned or associated with Dr. Jie (George) Xiao or LXE Solar Inc.
4. Dr. Jie (George) Xiao and LXE Solar Inc. declare that they have no further unsettled claims against the Government of Seychelles, the FIU and Barclays Bank (Seychelles) Ltd and the FIU's agents and representatives arising out of the freezing and seizure of the funds of LXE Solar Inc. with Barclays Bank in Seychelles.
5. Dr. Jie (George) Xiao and LXE Solar Inc. undertake not to file any action in Seychelles or in any other part of the world, whether civil, criminal or of any other nature, whatsoever or howsoever arising against the Government of Seychelles, the FIU and the FIU's agents and representatives or Barclays Bank (Seychelles) Ltd pertaining to the funds of LXE Solar Inc. with Barclays Bank in Seychelles.
6. Dr. Jie (George) Xiao and LXE Solar Inc. undertake to withdraw all suits and actions entered against the



Government of Seychelles, the FIU and the FIU's agents and representatives and Barclays Bank (Seychelles) Ltd in any part of the world whether civil, criminal or of any other nature whatsoever or howsoever arising relating to the funds and this Judgment by Consent shall serve as a deed to confirm such withdrawal in any court, tribunal or arbitration proceedings and before any adjudicating authority in any part of the world.

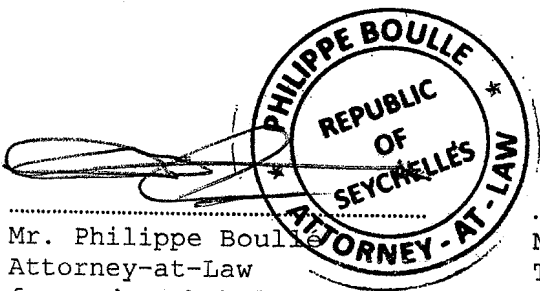
7. Upon the Government of Seychelles and the FIU fulfilling all their undertakings in terms of this Judgment by Consent, Dr. Jie (George) Xiao and LXE Solar Inc. shall cause to be signed the three (3) dismissal papers attached herewith and they undertake to forward the same to the Government of Seychelles and the FIU or if so directed to their attorneys.
8. The Government of Seychelles and the FIU undertake to release the funds held by Barclays Bank (Seychelles) Ltd and do everything necessary for the funds to be transferred to any designated bank account in any part of the world, within 72 hours from the date hereof, failing which the Judgment by Consent and settlement shall lapse in terms of which this Judgment by Consent and settlement shall only have force and effect upon the abovementioned release and transfer of the funds.
9. The funds frozen and seized shall be transferred with all interest accrued thereon and the Government of Seychelles shall pay to LXE Solar Inc. interest on the said funds during any period from the date it was frozen that interest did not accrue thereon at the bank rate applicable.
10. The Government of Seychelles and the FIU shall return the laptop of Dr. Jie (George) Xiao seized by the FIU within 72 hours of the date hereof and pay to Dr. Jie (George) Xiao a sum of Four Thousand Rupees (R.4,000.00) for damages caused to the laptop by the FIU.
11. The Government of Seychelles and the FIU shall pay costs to Dr. Jie (George) Xiao and LXE Solar Inc. in a sum of Two Thousand United States Dollars (US\$2,000.00) to reimburse court fees paid by Dr. Jie (George) Xiao and LXE Solar Inc. in the abovementioned cases.
12. This Judgment by Consent is agreed on the basis of an amicable settlement without any consideration of or admission as to the merits of the cases of any of the parties.

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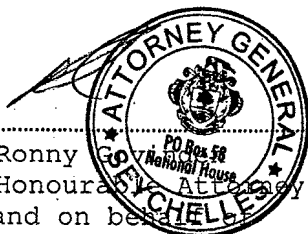
13. In relation to all the matters settled between the parties, Dr. Jie (George) Xiao and LXE Solar Inc. declare that they are not associating themselves with any published criticism of the Seychelles Government or the FIU and the FIU's agents and representatives and undertake not to publish or cause to be published any criticism of the Seychelles Government or the FIU and the FIU's agents and representatives in any publications in any part of the world, and the Seychelles Government and the FIU declare that Dr. Jie (George) Xiao and LXE Solar Inc. are not suspected by the FIU or the Seychelles Government of any crimes in Seychelles or in any part of the world.

14. Subject to paragraph 11 above, the parties shall bear all their own costs.

Dated this 15th day of December 2009.



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Mr. Philippe Boule
Attorney-at-Law
for and on behalf of
Dr. Jie (George) Xiao and
LXE Solar Inc.



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Mr. Ronny
The Honourable Attorney General
for and on behalf of
Government of Seychelles and
Financial Intelligence Unit

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Mr. Declan Barber
Director
for and on behalf of
The Financial Intelligence Unit