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SET. 013/2020



24 April 2020

Subject: Progress report on enforcement of the Supreme Court's Criminal Division Politicians and others

To: Directors and the Manager
The Stock Exchange of Thailand

Refer to: Letter No. SET. 007/2020 dated 11 March 2019

Lawsuit regarding the sale at public auction collateral

The company would like to notify according to the letter No. TorLor. 007/2019 dated 11 March 2019 which AQ Estate Public Company Limited reported the price of sale at public auction collateral was 8,914.07 million baht on 17 October 2018. Such securities sold at auction is divided into 3 groups as follows.

1. Group 1: The criminal case of persons holding political positions with decided case No. OrMor. 55/2015 by seizure properties and sale of land auction of Golden Technology Industrial Park Co., Ltd. was 1,768 rai. The property buyer from auction was worth 4,019.62 million baht. The buyer had placed a deposit of 201 million baht on 24 January 2019 and the buyer paid in the amount of 3818.62 million baht.

1.1 On September 25 2019, the AQ Estate Public Company Limited (Plaintiff) filed a lawsuit to Krung Thai Bank Public Company Limited (Bank) as the 1st with a group of 13 persons (defendants) which was a civil case requesting the bank to revise the first quarter of financial statements in 2019 by bringing the amount of 3,898.71 million baht (The deposit of 201 million baht and money from sale of land auction in the amount of 3,818.62 million baht and auction fees deductible to 120.91 baht) recorded as payment for damages in the case of the Supreme Court's Criminal Division for Persons Holding Political Positions with decided case No. 3/2012, decided case No. OrMor. 55/2015. If the defendant did not revise the first quarter of financial statements in 2019, the defendant will have to pay damages in the amount of 3,818.65 million baht. **Made an appointment for settlement of issues shall be on 27 April 2020.**

1.2 On 26 September 2019 to 10 January 2020, the Supreme Court's Criminal Division for Persons Holding Political Positions had enforced by issuing a writ of execution to the Legal Execution Office of Civil Case for notifying to seize the right of claim 9 deposit of company accounts in four banks, totaling 69.40 million baht and some banks had seized the money in such accounts of 2.14 million baht to the Legal Execution Department on 15 October 2019 (As at 31 December 2019, the company had deposits of 4.25 million baht. The bank had confiscated in the amount of 2.14 million baht, the remaining 2.11 million baht pledged as collateral).

2. Group 2: For the civil lawsuit of decided case No. 4007/2552 and undecided branch case No. Tho. 59/2018, Krisdamahanakorn Public Company Limited was the plaintiff to file a lawsuit against Golden Technology Industrial Park Company Limited (Golden) which was the defendant as regards the deposit of land. Land in this case for sale by auction was 659-3-60 rai. The ownership of the land belongs to Golden Company, the auction buyer bought at the price of 1,261.02 million baht and placed deposit 65 million baht, the remaining balance must be paid 1,196.02 million baht. The land and its area of this case was seized and sale of land auction in the amount of 659-3-60 rai. The ownership of land belongs to Golden Company, the auction buyer bought at the price of 1,261.02 million baht and

placed deposit 65 million baht, the remaining balance must be paid 1,196.02 million baht and filed a petition for revocation of sale by auction, claiming that the auction was unlawful. On 20 March 2019, the court ruled that the petitioner was only a shareholder of Golden Company and the petitioner did not have as stakeholders in the compulsory execution. In addition, the filing a petition to revoke of sale auction in this case involved or affecting the petitioner which was a judgment debtor the Central Bankruptcy case. The petitioner claims that could not make debt payments to creditors in full amount and received damage, therefore, considered as a litigation against the debtor's property. Upon the petitioner was adjudged bankrupt, the power to set up defend against the property of petitioner was only the authority of official receiver and the petitioner had no authority to file a petition in this case. **The results of trial court dismissed the petition.**

On 17 June 2019, K & V SRS Company Limited (Petitioner) filed an appeal against the order of the Civil Court.

Currently, the Golden Technology Industrial Park Co., Ltd., (the 1st defendant) has filed an appeal to the Court on 5 August 2019. **Awaiting appeal.**

3. Group 3: The Central Bankruptcy Court for the decided case No. Lor. 1249/2012, the property and sale of auction was 1,868-3-97.72 rai. The ownership of land was to K&V SRS Company Limited. The auction buyer bought at a price of 3,633.43 million baht, placed deposit of 182.50 million baht and the remaining must be paid in the amount of 3,450.93 million baht within 1 February 2019. K&V Company filed an objection, causing the buyer to file an objection with the court for opposing the petition of K&V Company which was between the three objections, divided as follows:

3.1 Undecided case No. SorLor. 365/2018 regarding the Receiver had ordered to the deed No. 610 with an area of 18 rai 83 square wah from sale by auction which was part of Miss Charoen Yookongtham in the ratio of 800.66 and conducting sale by auction. In this lawsuit, the petitioner had applied to revoke sale of auction that sale of auction was an unlawful. Made an appointment for court's decree on 5 March 2019. **The results of trial court dismissed the petition.**

3.2 The Central Bankruptcy Court case about undecided case No. SorLor. 338/2018, the petitioner filed a complaint by bringing the property of petitioner to be sold combine with the land of the Golden Company unlawful and the person who wished to bid must be placed collaterals for bidding the prices in all 3 lawsuits and bidding together 3 lawsuits, therefore, requesting to temporarily suspend the sale of auction. The court dismissed a petition and K&V SRS Garden Home Company Limited (Petitioner) filed an appeal on 20 March 2019. Subsequently, the Central Bankruptcy Court ordered a hearing the order of the Court of Appeal for Specialized Cases on 3 September 2019 and not accepting the appeal. **The case was final.**

3.3 Undecided case No. SorLor. 438/2018, regarding the revocation sale of land auction of the 2nd debtor (K&V SRS Garden Home Co., Ltd.) In this lawsuit, the objection filed a petition for revocation sale by auction which was an unlawful and requests to temporarily suspend enforcement. The court had already examined the witnesses and scheduled to hear the verdict on 14 May 2019. **The Central Bankruptcy Court issued an order lifting the petition of the petitioner.**

Currently, the buyer of collateral land has filed a court case to pay the remaining upon the case completion of the amount which required to settle outstanding 4,646.95 million baht.

Lawsuit against the property management agreement

1 Case of the civil court case for undecided case No. Phor. 240/2018 between Progress Property Co., Ltd., was the plaintiff to file against AQ Public Company Limited as the 1st with a group of 13 persons and requested to terminate the property management agreement by claiming that all three defendants were breach of contract.

In this regard, the three defendants had fought with such conditions clearly the responsibilities of each party. AQ company had been carrying out their duties and Court of First Instance dismissed the plaintiff on 17 June 2019.

The case is being considered by the Court of Appeal.

- 2 The case of AQ Estate Public Company Limited has sued Golden Technology Industrial Park Company Limited and Progress Property Company Limited (Co-defendant) is a civil case in order to collect the money which AQ company has paid for the reserve under property management agreement in the amount of 75 million baht. The court has scheduled to strike prosecution witnesses on 26-27 May 2020 and examining defendants on 28 May 2020 and examining interpleader on 29 May 2020 and **to hear the verdict on 29 July 2020.**

Other cases

- 1 The civil court case was undecided No. Mor.Yo 49/2019 between Vitoonthanakorn Company Limited, the plaintiff and Mr. Jesada Yindee as the 1st and Mrs. Pichitra Yindee in case of breach of loan agreement (according to property management agreements and share the benefits). Both parties agreed to enter into a compromise agreement and the court gave the following consent judgment as follows:

- 1.1 Both defendants admitted that the plaintiff owed amount 32,863,561.64 baht.
- 1.2 Both defendants agreed to transfer the land title deed and a certificate of utilization (Nor Sor Kor) in total of 6 plots with buildings for the plaintiff. The two defendants accept that the land was not attached to any obligations or did not involve any offense follows.
 - Utilization Certificate (Nor Sor 3 Kor), No. 2788, Land No. 196, Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, area of 51 rai 3 ngan 60 square wah.
 - Utilization Certificate (Nor Sor 3 Kor), No. 2789, Land No. 197, Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, area of 25 rai 3 ngan 80 square wah.
 - Utilization Certificate (Nor Sor 3 Kor), No. 2254, Land No. 169, Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, area of 10 rai 1 ngan 40 square wah.
 - Utilization Certificate (Nor Sor 3 Kor), No. 2192, Land No. 186, Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, area of 12 rai 2 ngan 80 square wah.
 - Utilization Certificate (Nor Sor 3 Kor), No. 3621, Land No. 236, Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, area of 8 rai 32 square wah.
 - Utilization Certificate (Nor Sor 3 Kor), No. 3622, Land No. 237, Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, area of 5 rai 2 ngan 48 square wah.

This will transfer to be completed within 30 days from the date of 17 October 2019.

- 1.3 According to the indictment in this case, both defendants registered to mortgage the land as collateral for loans by registering the mortgage deed No. 17056,17078 Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province and Utilization Certificate (Nor Sor 3 Kor), No. 2 1 8 5 , Lat Bua Khao Subdistrict, Si khiu District, Nakhon Ratchasima Province, and title Deed No. 1 6 9 3 2 6 , Bang Kaew Subdistrict, Bang Phli District (Phra Khanong), Samut Prakan Province, with the plaintiff. Currently, the delivery deadline has elapsed. **The company allows the receivership officials and land employees to seize.**
- 2 According to the resolution of the Board of Directors' Meeting No. 9/2014 on 26 September 2014, the Board of Directors had approved the investment in Villa Nakarin Company Limited and the share purchase agreement had specified the calculating returns by actual costs and expenses at the end of project not over 30 months from the date of agreement which was due date on 31 March 2017. The Company's management estimated the debt

payment to shareholders in the amount 46.17 million baht on due date. The company reported the operating results to the existing shareholders of Villa Nakarin Company Limited that Villa Nakarin Company Limited had the operating loss results and not in accordance with the plan. The company will cancel about returns, but the shareholders requested that the completed project would have to be agreed again (AQ ARBOR Suanluang Rama 9 -Pattanakarn Project. Currently, development projects are progressing 83.92 % and the project is under construction, with its total of 49 plots of land into 24 plots).

- 3 For undecided No. 21/2008 and decided No.4007/2019 dated 25 April 2019, Krisadamahanakorn Plc. (Name while suing) was the plaintiff suing Golden Technology Industrial Park Company Limited as a defendant for breach of agreement to refund of 654 million baht with interest as of 31 July 2009. Court of First Instance sentenced Golden to return the principal amount of Baht 654 million plus interest from the date of filing. AQ Plc. had a letter requesting the Samut Prakan executing officer to seize 24 land title deed, according to the judgment of such land sold at auction. **After the debt payment to Krung Thai Bank is complete, the remaining balance will be averaged to pay the deposit.**

Civil case between Golden Company Limited and Krung Thai Bank

1. The civil case at civil court between Krung Thai Bank Public Company Limited is the plaintiff with the Golden Technology Industrial Park Company Limited as the 1st with a group of 4 persons of undecided case No. Thor. 68/2006 and decided case No. Thor. 2687/2007. The court of Appeals upheld judgment of the Court of First Instance to settle the Golden 8,409.60 million baht including with interest of the principal amount of 8,368.73 million baht from the date of 31 May 2004 onwards until complete repayment date on 25 December 2018. The 1st defendant (Golden Company) had filed a petition then. The case is currently being considered by the Supreme Court **(No any progress)**.

Please be aware and please spread further.

Yours Sincerely,

(Mr. Suthad Chankingthong)
Director

(Ms. Ranchana Rajatanavin)
Director