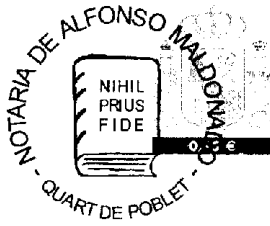


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<p>ALFONSO MALDONADO RUBIO  <i>Notario</i>  C/ Concordia, 3  46930 Quart de Poblet (Valencia)  Tlfno: 961 549 325 Fax: 961 549 419  E-mail: amaldonado@notariado.org</p>
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NÚMERO CINCUENTA Y DOS-----

ACTA DE MANIFESTACIONES

En Quart de Poblet, veintisiete de enero de dos mil diez .-----

Ante mí, **ALFONSO MALDONADO RUBIO**, Notario de su Ilustre Colegio de Valencia, con residencia en esta Ciudad,-----

-----COMPARECE-----

DON MARK ALLAN TURNER mayor de edad, nacional de Nueva Zelanda, residente en Valencia, calle Avenida de Francia 55, portal 3-9º-25, con Pasaporte numero EB072225 vigente hasta el día dos de junio de 2013, del que deduzco testimonio en fotocopia para incorporar a la matriz.-----

Constan sus circunstancias de sus manifestaciones.-----

Manifiesta que no entiende suficientemente el castellano, por lo que a su requerimiento interviene como interprete especialmente designada por él mismo DOÑA ALEJANDRA MATO LORENZO, mayor de

edad, española, vecina de Valencia, calle Vicente Rios Enrique 7-6-4º, con DNI-NIF.- 33527967-Q. ----

**INTERVIENE** el requirente en su propio nombre y derecho. -----

Lo identifico por su reseñado Pasaporte y tiene a mi juicio capacidad legal necesaria para este acta a cuyo fin, -----

-----**ME REQUIERE**-----

A mi, el Notario, para que recoja sus siguientes manifestaciones advertido de las consecuencias jurídicas y del valor de las mismas en acta notarial. -----

Acepto el requerimiento. -----

El señor compareciente me hace entrega de las dichas manifestaciones en MINUTA redactada en idioma inglés, en cuatro folios de papel común escritos por una sola cara, que suscribe en mi presencia en todas sus hojas el señor requirente, que leo, entiendo, estimo en legal forma e incorporo original a la matriz. -----

Así lo dice el señor compareciente. -----

**LEY ORGANICA 15/1999 DE PROTECCIÓN DE DATOS DE CARÁCTER PERSONAL.-** De acuerdo con lo establecido

en la misma, todo compareciente queda informado y



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acepta la incorporación de sus datos a los ficheros automatizados existentes en esta Notaría, sita en Quart de Poblet, calle Concordia, que se conservarán con carácter confidencial, sin perjuicio de las remisiones de obligado cumplimiento. Su finalidad es la formalización del presente instrumento publico, su facturación y seguimiento posterior, y ejercer las funciones propias de la actividad notarial. -----

----- **AUTORIZACIÓN** -----

Leo este acta en voz alta al señor compareciente después de advertirle de su derecho a leerla por sí mismo al que renuncia. Sabedor del valor jurídico de sus manifestaciones y enterado de su contenido, la aprueba y firma haciéndolo también conmigo la interprete por él designada que manifiesta haber traducido fielmente el contenido de la presente.---

Hice las reservas y advertencias legales. -----

En cumplimiento del Arancel vigente se hace constar que por aplicación de los número 1 , se

han devengado por este instrumento unos derechos de  
30,05 EUROS. -----

De que el otorgamiento se adecua a la legalidad  
y a la libre voluntad del compareciente debidamente  
traducida, y de todo lo demás contenido en este  
instrumento público que se extiende en dos folios  
de papel de uso exclusivo notarial serie y números  
el del presente que sello, signo, firmo y rubrico y  
el anterior inmediato en orden correlativo, yo, el  
Notario, doy fe. -----

*Están las firmas de los comparecientes.-*  
*SIGNADO: Alfonso Maldonado Rubio. Rubricado.*  
*Sellado.- DOY FE. -----*

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----- *SIGUEN DOCUMENTOS UNIDOS* -----



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Golden Gate Yacht Club,	
	Plaintiff,
v.	
Societe Nautique de Geneve,	
	Defendant,
Club Nautico Espanol de Vela,	
	Intervenor-defendant.

Index No. 602446/07

**AFFIDAVIT OF  
MARK TURNER**

MARK TURNER, being duly sworn, hereby deposes and says:

1. I am over 18 years old and am a citizen of New Zealand. I am the Co-Boatbuilding Manager and Shore Team Manager of BMW ORACLE Racing ("BOR"), which represents Golden Gate Yacht Club ("GGYC") in the upcoming 33rd America's Cup. I have been involved in 6 America's Cup campaigns over a span of 21 years, and have over 33 years boatbuilding experience of race yachts.

2. As demonstrated below, on numerous occasions, we were forced to make a choice which would not have been our first choice, in order to put a United States built component in the yacht and thereby comply with the constructed in country provision of the Deed of Gift. We took extensive steps to ensure compliance with the Deed of Gift, including the following:

a. **Battens:** Battens are the carbon fiber stiffeners which are inserted into pockets in our sails, and are used to add and control the shape of a sail, and in this size vessel, are custom designed and built. If we had the option, we would have ordered

*MT*



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battens from C-Tech in New Zealand. Due to the extended America's Cup experience this company has, its products would have provided us with exactly what we needed without a lot of time and effort from our team. Instead, at significant expense, we hired our own batten designer, and then designed, engineered and manufactured the battens ourselves, at our facility in Anacortes, Washington.

b. Mast: If we were able to choose any mast manufacturer for our America's Cup masts, we would have chosen Southern Spars in New Zealand due to its extended America's Cup experience, and the existing relationships which some of our team members have with Southern Spars. Instead, for our first two masts, we used Hall Spars in the USA, because we knew we needed to obtain USA built masts and at that stage we did not have the resources in Anacortes to build these masts. Our remaining masts and wing were constructed in-house at our facility in Anacortes, Washington, later in our campaign.

c. Cables: Custom rod rigging holds our wing mast upright and onboard the yacht. If we could have, we would have ordered our customized rods from Carbo-Link of Fehraltorf, Switzerland, but we did not because of the constructed in country requirement of the Deed.

d. Sail Furlers: For the sail furler, we used Facnor-Sparcraft USA products, which were purchased and manufactured in the USA and built to our specification in the USA. If we had the option, we would have also considered the use of non-US manufacturers, KZ Marine in New Zealand and Cariboni in Italy.

*MAI*

e.       Hydraulics: In a large race yacht, a hydraulic system is necessary to provide tension and adjustments to the mast and sails. Our preferred supplier was located in Italy, and in fact there is no comparable US company to provide the custom, high level yacht racing equipment we needed. Accordingly, we located a vendor in the US who would build the large custom hydraulic cylinders and manifolds. We reached an arrangement with our preferred vendor Cariboni, to liaise with the US vendor so that the hydraulics systems would meet our requirements and be built in the United States.

f.       Sails: In order to comply with constructed in country, we set up a facility for finishing sails in Minden, Nevada, near North Sails. Although we had an operating and suitable loft in Valencia from the previous campaign, we closed the loft in 2008 because we knew we could not construct the sails outside the United States. Accordingly, our sails have all been constructed in Minden, Nevada. We currently have a sail facility in Valencia to repair sails as needed.

3.       We originally planned to be in San Diego, California for a six week period, however as the date for the match was in question, we delayed our departure by many months so that we could complete all major modifications in the United States, including adding an engine, removing the winch pedestals, adding the wing sail, adding water ballast tanks and the corresponding plumbing and hoses, and fitting of new floats, new cockpit arrangements, new foils, and new rudders. When we departed in December 2009, we had spent 16 months in San Diego, instead of the originally planned six weeks.

4.       I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

*MAI*





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Mark Turner

Dated: January 27, 2010

ES COPIA QUE CONCUERDA FIELMENTE CON SU ORIGINAL, Y QUE LIBRO A INSTANCIAS DE DON MARK ALLAN TURNER, SOBRE CINCO FOLIOS DE PAPEL DE USO EXCLUSIVO NOTARIAL, SERIE Y NÚMEROS EL DEL PRESENTE Y LOS CUATRO ANTERIORES EN ORDEN CORRELATIVO, EN QUART DE POBLET, A VEINTISIETE DE ENERO DE DOS MIL DIEZ.- DOY FE.-



FE PÚBLICA NOTARIAL  
ALONSO MALDONADO  
N. QUART DE POBLET

CONSEJO GENERAL  
NOTARIADO EUROPA  
Nihil Prius Fide  
0146135984

*[Handwritten signature]*