

Form of Untranching Swaption Confirmation  
(for use with CDX Untranching Swaption Terms published on July 28, 2008)

CONFIRMATION

DATE: [Date]

TO: [Party B]

Telephone No.: [number]  
Facsimile No.: [number]  
Attention: [name]

FROM: [Party A]

SUBJECT: Swaption on [CDX.NA.[IG/HY/XO].\_\_\_\_\_] [specify sector, if any] [specify series, if any] [specify version, if any] Untranching Transaction

REF NO: [Reference number]

The purpose of this communication (this “Confirmation”) is to set forth the terms and conditions of the Swaption entered into on the Swaption Trade Date specified below between [Party A] (“Party A”) and [counterparty’s name] (“Party B”). This Confirmation constitutes a “Confirmation” as referred to in the ISDA Master Agreement specified below.

The definitions and provisions contained in the 2006 ISDA Definitions (as amended and supplemented through the Effective Date of the Index for the Underlying Swap Transaction (as defined in the CDX Untranching Swaption Terms), as set forth in the Relevant Annex for the Underlying Swap Transaction) (the “2006 Definitions”) and the 2003 ISDA Credit Derivatives Definitions as supplemented by the May 2003 Supplement to the 2003 ISDA Credit Derivatives Definitions (together, the “Credit Derivatives Definitions”), each as published by the International Swaps and Derivatives Association, Inc. and the CDX Untranching Transactions Swaption Standard Terms Supplement, as published by CDS IndexCo LLC on July 28, 2008 (the “CDX Untranching Swaption Terms”) are incorporated into this Confirmation. In the event of any inconsistency between the 2006 Definitions, the Credit Derivatives Definitions or the CDX Untranching Swaption Terms and this Confirmation, this Confirmation will govern. In the event of any inconsistency between the CDX Untranching Swaption Terms and the 2006 Definitions or the Credit Derivatives Definitions, the CDX Untranching Swaption Terms will govern.

This Confirmation supplements, forms a part of and is subject to the ISDA Master Agreement dated as of [ ], as amended and supplemented from time to time (the “Agreement”) between Party A and Party B. All provisions contained in, or incorporated by reference in, the Agreement shall govern this Confirmation except as expressly modified below.

The terms of the Swaption Transaction to which this Confirmation relates and the related Underlying Swap Transaction are as follows:

**1. SWAPTION TERMS**

Swaption Trade Date: [       ]  
 Swaption Seller: [       ]  
 Swaption Buyer: [       ]  
 Option Type: [Payer] [Receiver]  
 Quoting Style: [Spread] [Price]  
 Strike Price: [       % per annum] [       %]<sup>1</sup>  
 Premium: USD [       ]  
 Expiration Date: [       ]

## 2. UNDERLYING SWAP TRANSACTION TERMS

[Applicable Underlying Document: [Standard Terms Supplement] [Master Confirmation Agreement]]<sup>2</sup>  
 [Standard Terms Date: [       ]]<sup>3</sup>  
 [Master Confirmation Date: [       ]]<sup>4</sup>  
 Index: [CDX.NA.[IG/HY/XO].\_\_\_\_ ] [specify sector, if any] [specify series, if any] [specify version, if any]  
 Source of Relevant Annex: [Publisher] [Confirmation Annex]  
 Annex Date: [       ]  
 Trade Date: The Exercise Date of the Swaption Transaction  
 Effective Date: [Effective Date of Index Contract]  
 Scheduled Termination Date: [Scheduled Termination Date of Index Contract]  
 Calculation Agent: [       ]  
 Original Notional Amount: USD [       ]  
 Floating Rate Payer: Underlying Seller  
 Fixed Rate Payer: Underlying Buyer  
 Initial Payment Payer: Not Applicable  
 Initial Payment Amount: Not Applicable  
 Fixed Rate: [Fixed Rate on Effective Date of Index Contract]% per annum  
 [Excluded Reference Entities: [       ]]  
 [De Minimis Cash Settlement: Applicable]<sup>5</sup>  
 [Cash Settlement Agent: [       ]]<sup>6</sup>  
 [Additional Terms (including any specific provisions relating to collateral): [       ]]

<sup>1</sup> If the Quoting Style is "Spread," insert spread expressed as a percentage per annum. If the Quoting Style is "Price," insert price expressed as a percentage of the Par Amount.

<sup>2</sup> Include only if not relying on default provided in the CDX Untranch Swaption Terms, i.e., the Applicable Underlying Document is the Standard Terms Supplement.

<sup>3</sup> Include only if the Applicable Underlying Document is the Standard Terms Supplement and the parties are not relying on the default provided in the CDX Untranch Swaption Terms, i.e., the most recent CDX Untranch Transactions Standard Terms Supplement published prior to the Swaption Trade Date.

<sup>4</sup> Include only if the Applicable Underlying Document is the Master Confirmation Agreement and the parties are not relying on the default provided in the CDX Untranch Swaption Terms, i.e., the most recent CDX Master Credit Derivatives Confirmation Agreement entered into between the parties prior to the Swaption Trade Date.

<sup>5</sup> Include only if the Applicable Underlying Document is the Standard Terms Supplement. Unless specified as applicable, the Standard Terms Supplement for the Underlying Swap Transaction provides that De Minimis Cash Settlement is not applicable.

<sup>6</sup> Include only if the Applicable Underlying Document is the Standard Terms Supplement and De Minimis Cash Settlement is applicable.

## NOTICE AND ACCOUNT DETAILS

Telephone, Telex and/or Facsimile Number  
and Contact Details for Notice:

Party A:

Telephone No.:  
Facsimile No.:

Party B:

Telephone No.:  
Facsimile No.:

Account Details:

Account Details of Party A:

For the Account of:  
Name of Bank:  
Account No:  
Fed ABA No:

Account Details of Party B:

For the Account of:  
Name of Bank:  
Account No:  
Fed ABA No:

Please confirm your agreement to be bound by the terms of the foregoing by executing a copy of this Confirmation and returning it to us at the contact information listed above.

[\_\_\_\_\_]

[\_\_\_\_\_]

By: \_\_\_\_\_

By: \_\_\_\_\_

Name:

Name:

Title:

Title:

**[FORM OF RELEVANT ANNEX]<sup>7</sup>**

Index: [CDX.[IG/HY/XO].\_\_\_\_\_] [specify, if relevant, sector, series and/or version]  
Annex Date: [date]

<u>Reference Entity</u>	<u>Reference Obligation</u>	Monoline Provisions: Specify "Applicable" if <u>a Monoline</u>	<u>Weighting</u> <sup>8</sup>
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<sup>7</sup> Attach as an annex to the Confirmation only if "Confirmation Annex" is specified as the Source of Relevant Annex.  
<sup>8</sup> Include expressed as a percentage, with three decimal places (e.g., 3.226%).