

## GOLDEN GATE YACHT CLUB

#1 Yacht Road, San Francisco, California USA 94123

December 22, 2009

Mr. Fred Meyer  
Vice-Commodore  
Chairman, SNG America's Cup Committee  
Société Nautique de Genève  
Port Noir  
CH-1223 Coligny  
Switzerland

Dear Vice Commodore Meyer:

As I'm sure you are aware, representatives of our respective racing teams have made good progress with ISAF regarding an amended SNG-ISAF agreement as well as the indemnity agreement necessary for the International Jury to begin its work. We consider this a positive step forward and thank you for your cooperation.

However, we are concerned about your Club's apparent interpretation of the "constructed-in-country" provision of the Deed of Gift. We find the Deed to be clear and unambiguous. It requires that the yacht, including its hull, appendages, mast and sails, be constructed in the country of the club it represents.

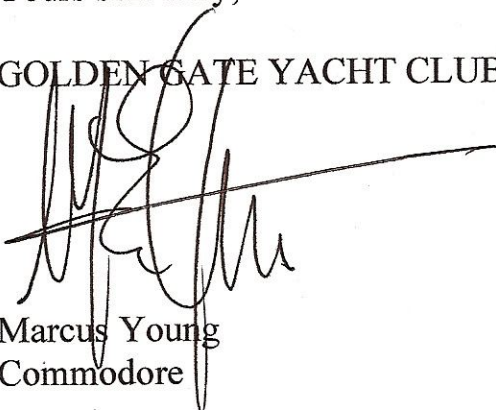
We have gone to great lengths to comply with the Deed in all respects, including and especially "constructed-in-country," and expect that your Club will do so as well.

Among other possible issues, it appears that your team intends to use sails constructed at Minden, Nevada in the USA. We believe this would constitute a direct infringement of the clear terms of the Deed.

By this letter, we seek clarification regarding your team's intended compliance with the Deed's constructed-in-country provision. If you have a different interpretation from that above, please advise us in the next five days so that this issue can be resolved in a timely manner without delaying the Match, and to avoid post-match litigation.

Yours sincerely,

GOLDEN GATE YACHT CLUB

A handwritten signature in black ink, appearing to be 'M. Young', is written over the printed name and title. A long horizontal line is drawn across the signature.

Marcus Young  
Commodore

cc: Ernesto Bertarelli, Team Alinghi  
Brad Butterworth, Team Alinghi  
Russell Coutts, BMW ORACLE Racing  
Tom Ehman, BMW ORACLE Racing  
Larry Ellison, BMW ORACLE Racing