



## **TPI - TRIUNFO PARTICIPAÇÕES E INVESTIMENTOS S.A.**

Authorized Capital Publicly-held Company  
Corporate Taxpayer's ID (CNPJ) 03.014.553/0001-91  
Corporate Registry ID (NIRE): 35.300.159.845

### **MATERIAL FACT**

TPI - Triunfo Participações e Investimentos S.A. (the "Company") in compliance with provisions of Article 157 of Law 6,404 and CVM Rule 358, announces that on March 2, 2010 service of summons was published in the newspaper *O Estado de S.Paulo*, where the Company is co-defendant in a provisional remedy cumulated with *inaudita altera pars* preliminary injunction ("Provisional Remedy") and in a declaratory action for annulment of legal act ("Declaratory Action") filed by Setel – Construtora, Incorporadora e Empreendimentos Imobiliários Ltda. ("Setel" or "plaintiff"), and Joaquim da Rocha Brites and TPB - Terminal Portuário Brites Ltda. as defendants ("defendants"), before the 2<sup>nd</sup> Civil Court of the Judicial District of Santos, to wit:

- (i) According to the service of summons by publication, the provisional remedy requires the Company to deposit in court all and any amounts, subject-matter of the acquisition of an area called "Sítio Santa Rita", incorporated into TPB's capital. The defendant shall answer within 5 days after elapsing 30 days of the service of summons publication.
- (ii) According to the service of summons by publication the declaratory action seeks the receipt by the plaintiff of the amount it would be entitled to in the purchase price, corresponding to is pleaded land division into two parts related to an area called "Sítio Santa Rita", in the claimed amount of forty million reais (R\$40,000,000.00), or, alternatively, the cancellation of business. The defendant shall answer within 15 days after elapsing 30 days of the service of summons publication.

The Company clarifies:

- (i) "Sítio Santa Rita" is an area owned by the Company and under its full and unquestioned possession by means of its subsidiaries Santa Rita S.A. and TPB, destined to the development and implementation of port facilities on the left margin of Santos estuary;
- (ii) Usual due diligence was conducted prior to the acquisition of the area indicating a solid title of domain praised by the sellers, Joaquim da Rocha Brites and his wife, who also offered guarantees as to the non-existence of any burden, encumbrance or claims over the asset;
- (iii) There is no decision affecting the title of domain of the Company's subsidiaries over the area, limiting or hindering its full possession thereof;



The Company informs is taking the measures necessary to perfectly take cognizance of the content of lawsuits, which shall occur within the term established by the service of summons by publication, aiming at clarifying the aforementioned facts, preserving and defending its rights while holder in due course, also in what concerns the annulment of this service of summons, since it does not comply with the procedural law requirements.

São Paulo, March 4, 2010.

Ana Cristina Carvalho  
Investor Relations Officer