

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 8/02/2022 5:05:18 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD747/2021
File Title: IN THE MATTER OF THE FORUM GROUP OF COMPANIES PTY LIMITED ACN 151 964 626 (ADMINISTRATORS APPOINTED) & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 8/02/2022 5:11:36 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59
Rule 29.02(1)

Affidavit

No. NSD747 of 2021

Federal Court of Australia
District Registry: NSW
Division: General

**IN THE MATTER OF THE FORUM GROUP OF COMPANIES PTY LIMITED ACN 151 964 626
(IN LIQUIDATION)**

14 James Street Pty Ltd ACN 638 449 206 (In Liquidation) and others
Plaintiffs

Affidavit of: **Jason Ireland**
Address: Level 12, 20 Martin Place, Sydney NSW 2000
Occupation: Registered Liquidator
Date: 8 February 2022

I, Jason Ireland, of Level 12, 20 Martin Place Sydney NSW 2000, Registered Liquidator affirm:

- 1 I am a Partner in the Restructuring practice of McGrathNicol, a Chartered Accountant (admitted as a member of the Chartered Accountants Australia and New Zealand) and a Registered Liquidator. I, together with Jason Preston, am a joint and several liquidator of the First to Twenty-Fifth Plaintiffs (**Liquidators**).
- 2 I refer to my affidavit affirmed on 7 February 2022 (**February 2022 Affidavit**) and the definitions contained therein.
- 3 I make this affidavit in relation to the Amended Interlocutory Application dated 6 February 2022 filed on behalf of Vincenzo Frank Tesoriero.

Filed on behalf of (name & role of party)	Jason Preston and Jason Ireland in their capacity as receivers and managers		
Prepared by (name of person/lawyer)	Chris Prestwich		
Law firm (if applicable)	Allens		
Tel	02 9230 4000	Fax	02 9230 5333
Email	Chris.Prestwich@allens.com.au; Kirsty.Prinsloo@allens.com.au		
Address for service (include state and postcode)	Deutsche Bank Place, Level 28, 126 Phillip Street, Sydney NSW 2000 Email: Chris.Prestwich@allens.com.au; Kirsty.Prinsloo@allens.com.au DX: 105 Sydney		

- 4 Exhibited to me at the time of affirming this affidavit is an electronic bundle of documents marked 'Exhibit JI-5'. Where I refer to a document by page number noting Exhibit JI-5, I am referring to the corresponding page number in Exhibit JI-5.

February Affidavit

- 5 I refer to paragraph 17(d) of my February Affidavit in which I set out that I caused Notices to Vacate to be served on two of the tenants of the 14 James Street Properties being 14A James Street, Clayton South VIC 3169 (**14A James Street**) and 16 James Street, Clayton South VIC 3169 (**16 James Street**). I caused those Notices to be issued in circumstances where:
- (a) I consider the lease agreement in respect of 14A James Street to be in uncommercial terms. I formed this view after I, together with Sutherland Farrelly (valuer) and C&W (selling agent) reviewed the terms of the lease agreement;
 - (b) The tenancy in respect of 16 James Street is not documented; and
 - (c) I received advice from C&W that 14A James Street and 16 James Street would generate a higher sale price if they were put on the market with vacant possession.
- 6 At pages 1 to 3 of Exhibit JI-5 is an email from Kia Yang of Accuraco (project managers of certain works being undertaken at the 14 James Street Properties including the changing of locks at one of the vacant premises) to employees of McGrathNicol which, among other things:
- (a) Advised that she had become aware that the tenant of 16 James Street had received a telephone call on approximately 31 January 2022 from '*the owner, Vince*' advising that under no circumstances was anyone allowed to change the locks or enter the neighbouring premises being 14A James Street;
 - (b) Advised that the tenant had therefore moved his timber planks in front of 14A James; and
 - (c) Attached a photo of a large pile of timber planks blocking the door to 14A James.

7 I refer to paragraph 20(c)(iii) of my February Affidavit. That paragraph refers to an offer received prior to the commencement of the expressions of interest campaign. That campaign has now concluded and I expect to be in a position to enter into a binding contract for the sale of 6 Bulkara Street in the very near term.

Affirmed by the deponent
at Sydney
in New South Wales
on 8 February 2022
Before me:

) *Jason Ireland*

) _____
) Signature of deponent

)

M. Lee

Signature of witness

Form 3 (adapted)

Rule 29.02(1)(8)

Federal Court of Australia

District Registry: NSW

Division: General

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(IN LIQUIDATION)**

14 James Street Pty Ltd ACN 638 449 206 (In Liquidation) and others
Plaintiffs

Affidavit of: **Jason Ireland**

Address: Level 12, 20 Martin Place, Sydney NSW 2000

Occupation: Registered Liquidator

Date: 8 February 2022

Exhibit Certificate

This is the Exhibit marked "**JI-5**" produced and shown to Jason Ireland at the time of affirming his affidavit this 8 February 2022.

Before me:



Signature of witness

Prinsloo, Kirsty

From: Kia Yang <Kia.Yang@accuraco.com>
Sent: Monday, 7 February 2022 4:17 PM
To: Yiran Lin
Cc: Cameron Sanderson; Allan Stonehouse; Mitchell Gleeson
Subject: UPDATE: CLAYTON SOUTH (14a James St & 3/9 Parson St)
Attachments: 22020207 James Street (14a).JPG

Importance: High

EXTERNAL SENDER

Hi Yiran,

Please find a summary of the events that occurred in today's site inspection:

14a James Street CLAYTON SOUTH

- Met with contractors on site at James Street
- Arrived on site at 14a to wait for locksmith
- During this time, strike up a casual conversation with the tenant at no. 16 (Warren)
- Warren overheard Mitchell (Contractor, Johns Lyng) discussing how far the locksmith was away from property 14a
- Warren advised that we won't be able to access the property because he received phone call (last week, 31/01/22 approx.) from the owner, Vince.
- Vince advised Warren that under no circumstances was anyone allowed to change the locks or enter the premises. Therefore, Warren moved his timber planks in front of the doors – see photo attached

Due to this, we were unable to complete changing the locks with the locksmith today.

Warehouse 3, 9 Parson Street CLAYTON SOUTH VIC 3169

- Accurac have tried our best to reach out to the tenant on several occasions with no success
- Accuraco arrived at 10:00 am – door knocking with no answer
- Accuraco returned at 12:30 pm – door knocking with no answer.
- Contact details as follows (as provided by McGrath Nicol):
Conich Food Group Pty Ltd
Matthew Lowry
0419 041 998
matlowry@gmail.com

All other inspections were successful for plumbing and electrical due diligence.

Please let me know if you require further clarifications, thank you.

Kia Yang
Assistant Project Manager

M. 0434 434 603
D. 03 9079 0002
E. Kia.Yang@accuraco.com



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