

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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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
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.

Form 35
Rule 17.01(1)



Amended Interlocutory application

No. NSD 747 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

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

Jason Ireland and Jason Preston in their capacity as joint and several liquidators of 64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662 and another named in the Schedule

Applicants

The Applicants apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place: Law Courts Building, 184 Phillip Street, Queens Square, Sydney NSW 2000

Date: 2022

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of: Jason Ireland and Jason Preston in their capacity as joint and several liquidators of 64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662 and another, the Applicants

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Interlocutory orders sought

1. Pursuant to rule 9.05 of the Federal Court Rules 2011, the following be joined as parties to this proceeding:
 - (a) 64-66 Berkeley Street Hawthorn Pty Ltd (In Liquidation) ACN 643 838 662 as the Twenty-Ninth Plaintiff; and
 - (b) 9 Gregory Street Ouyen Pty Ltd (In Liquidation) ACN 641 392 707 as the Thirtieth Plaintiff.

Property

2. Pursuant to s 57 of the *Federal Court of Australia Act 1976* (Cth), Jason Ireland and Jason Preston of McGrathNicol, Level 12, 20 Martin Place Sydney in the State of New South Wales be appointed as receivers and managers (**Receivers**) of the properties listed in items 1 and 2 of Annexure A to these Orders (**Properties**) and any sale proceeds or income of those Properties.
3. The Receivers be authorised to take possession of, preserve, maintain and sell the Properties.
4. The Receivers have all the powers that a receiver has in respect of a business and properties of a company under s 420 of the *Corporations Act 2001* (Cth) (other than in ss 420(2)(s), (t), (u) and (w)) as if reference in that section to 'property of the corporation' or 'the corporation' (as applicable) were a reference to each of the Properties, including without limitation, the power to do all things necessary or convenient to:
 - (a) Enter into possession of, preserve, maintain and sell the Properties;
 - (b) To dispose of the Properties;
 - (c) To insure the Properties;
 - (d) To appoint a solicitor or other professionally qualified person to assist the Receivers in connection with their appointment in respect of the Properties;
 - (e) To appoint an agent to conduct the sale and do any business that the Receivers are unable to do or that it is unreasonable to expect the Receivers to do personally in respect of the Properties;
 - (f) Pay any outgoings or collect any rent in connection with the Properties;



- (g) Sign any documents on behalf of the Company in furtherance of the objective set out in Order 3;
 - (h) Pay the costs, expenses and remuneration of the Receivers in acting as Receivers of the assets be paid from the sale proceeds or income of the Properties referable to those costs; and
 - (i) Pay the balance into ~~Court~~ a controlled monies account held by Allens.
5. The need for the Receivers to file a guarantee under r 14.21 and r 14.22 of the *Federal Court Rules 2011* (Cth) in respect of their appointment under Order 2 be dispensed with.

Miscellaneous

- 6. The Applicants' costs of this application be paid out of the sale proceeds or income of the Properties.
- 7. If the identity of the unitholders of the 9 Gregory Street Ouyen Unit Trust becomes known to the Applicants, the Applicants take all reasonable steps to notify the unit holders of these orders as soon as reasonably practicable.
- 8. Liberty be granted to any person affected by these orders, including any creditor of the ~~Applicants or the Trusts~~ entities or trusts referred to in Annexure A, or any beneficiary of ~~the those Trusts~~ trusts, to apply to vary or set aside these orders on 7 business days' notice to the Applicants and to the Court by sending an email to associate.cheesman@fedcourt.gov.au.
- 9. Liberty be granted to the Applicants to apply to the Court for orders discharging and releasing the ~~Receivers~~ Applicants on 7 business days' notice by sending an email to associate.cheesmanj@fedcourt.gov.au.
- 10. Any other orders as the Court deems fit.



Service on the Respondents

It is not intended to serve this application on any party.

Date: 914 December 2022

A handwritten signature in blue ink, appearing to read "Chris Prestwich", written over a horizontal line.

Signed by Christopher Prestwich
Lawyer for the Applicants



Annexure A

Item	Party	Property (including the contents of that property to the extent it is owned by the 'Party' included in the second column)
1	Property held by 64-66 Berkeley Street Hawthorn Pty Ltd (In Liquidation) ACN 643 838 662 as trustee of the 64-66 Berkeley St Hawthorn Unit Trust	64-66 Berkeley Street Hawthorn Victoria 3122 Vol: 12160 Folio: 016
2	Property held by 9 Gregory Street Ouyen Pty Ltd (In Liquidation) ACN 641 392 707 as trustee of the 9 Gregory Street Ouyen Unit Trust	9 Gregory Street Ouyen Victoria 3490 Vol: 06684 Folio: 757

Schedule



No. NSD 747 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

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

Jason Ireland and Jason Preston in their capacity as joint and several liquidators of 64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662 and another named in the Schedule

Applicants

First Applicant: Jason Preston and Jason Ireland in their capacity as joint and several liquidators of 64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662

Second Applicant Jason Preston and Jason Ireland in their capacity as joint and several liquidators of 9 Gregory Street Ouyen Pty Ltd (in liquidation) ACN 641 392 707

9 December 2022

Filed on behalf of: Jason Ireland and Jason Preston in their capacity as joint and several liquidators of 64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662 and another, the Applicants

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