NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)

Court of Filing FEDERAL COURT OF AUSTRALIA (FCA)

Date of Lodgment: 15/12/2022 11:08:53 AM AEDT

Date Accepted for Filing: 15/12/2022 11:08:59 AM AEDT

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



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.



Affidavit

No. NSD747 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)

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

Applicants

Affidavit of:

Kirsty Prinsloo

Address:

126 Phillip Street, Sydney NSW 2000

Occupation:

Lawyer

Date:

15 December 2022

I, Kirsty Prinsloo, of 126 Phillip Street, Sydney NSW 2000, Lawyer, affirm:

- I am a Managing Associate of Allens in the employ of the solicitor on record for Jason Ireland and Jason Preston in their capacity as liquidators and receivers of various entities and assets of the Forum group.
- 2. I believe that the information contained in this affidavit is true.
- 3. I make this affidavit in connection with:

(include state and postcode)

(a) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed 9 December 2022 seeking orders for the remuneration of Jason Ireland and Jason Preston in their capacity as receivers over certain

Jason Ireland and Jason Preston in their capacity as joint and several Filed on behalf of (name & role of party) liquidators of 64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662 and another, the Applicants Prepared by (name of person/lawyer) Chris Prestwich Law firm (if applicable) Allens 02 9230 4000 Tel Fax (02) 9230 5333 Email Chris.Prestwich@allens.com.au Deutsche Bank Place, 126 Phillip Street, Sydney NSW 2000 Email: Chris.Prestwich@allens.com.au and Kirsty.Prinsloo@allens.com.au Address for service

DX: 105 Sydney

MSQL

- properties (*Receivers*) pursuant to rule 14.24 of the *Federal Court Rules 2011* (*Remuneration Application*); and
- (b) The Amended Interlocutory Process dated 14 December 2022 and supporting affidavit of Jason Ireland affirmed 9 December 2022 seeking orders for the appointment of Jason Ireland and Jason Preston as receivers over certain trust properties pursuant to section 57 of the Federal Court of Australia Act 1976 (Cth) (Receivership Application).
- 4. Exhibited to me at the time of affirming this affidavit is a bundle of documents marked 'Exhibit KP-1'. Where I refer to a document by page number noting Exhibit KP-1, I am referring to the corresponding page number in Exhibit KP-1.

Notification of Applications to Interested Parties

- At page 1 of Exhibit KP-1 is a copy of an email (without its attachments) dated 11 December 2022 which I sent to MinterEllison (solicitors for the Applicants in NSD 616/2021) and Jones Day (solicitors for the Applicant in NSD681/2021) attaching signed copies of:
 - (a) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Remuneration Application; and
 - (b) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Receivership Application.
- 6. At page 2 of Exhibit KP-1 is a copy of an email (without its attachments) dated 11 December 2022 which I sent to Aptum Legal (solicitors for the Tesoriero Parties) attaching signed copies of:
 - (a) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Remuneration Application; and
 - (b) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Receivership Application.
- 7. At pages 3 to 4 of Exhibit KP-1 is a copy of an email (without its attachments) dated 12 December 2022 which I sent to MinterEllison and Jones Day which:
 - (a) Attached sealed copies of:
 - (i) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Remuneration Application; and

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- (ii) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Receivership Application,
- (b) Notified the parties that both applications are listed for hearing on 15 December 2022 at 11.45am.
- 8. At pages 5 to 6 of Exhibit KP-1 is a copy of an email (without its attachments) dated12 December 2022 which I sent to Aptum Legal which:
 - (a) Attached sealed copies of:
 - (i) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Remuneration Application; and
 - (ii) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Receivership Application,
 - (b) Notified the parties that both applications are listed for hearing on 15 December 2022 at 11.45am.
- 9. At page 7 of Exhibit KP-1 is a copy of an email (without its attachments) dated 13 December 2022 which I sent to Kabo Lawyers (solicitors for Aksara Holdings Pty Ltd, Aksara) which:
 - (a) Attached sealed copies of:
 - (i) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Remuneration Application; and
 - (ii) The Interlocutory Process dated 9 December 2022 and supporting affidavit of Jason Ireland affirmed on 9 December 2022 in the Receivership Application.
 - (b) Notified Aksara that both applications are listed for hearing on 15 December 2022 at 11.45am.
- 10. At pages 8 to 9 of Exhibit KP-1 is a copy of an email (without its attachments) dated14 December 2022 which I sent to MinterEllison and Jones Day which:
 - (a) Attached a signed copy of the Amended Interlocutory Process dated 14
 December 2022 with respect to the Receivership Application;



- (b) Attached a sealed copy of the Receivers' and Liquidators' submissions dated14 December 2022; and
- (c) Provided the Microsoft Teams link to the hearing.
- 11. At pages 10 to 11 of Exhibit KP-1 is a copy of an email (without its attachments) dated 14 December 2022 which I sent to Aptum Legal which:
 - (a) Attached a signed copy of the Amended Interlocutory Process dated 14

 December 2022 with respect to the Receivership Application;
 - (b) Attached a sealed copy of the Receivers' and Liquidators' submissions dated14 December 2022; and
 - (c) Provided the Microsoft Teams link to the hearing.
- 12. At pages 12 to 13 of Exhibit KP-1 is a copy of an email (without its attachments) dated 14 December 2022 which I sent to Kabo Lawyers which:
 - (a) Attached a signed copy of the Amended Interlocutory Process dated 14

 December 2022 with respect to the Receivership Application;
 - (b) Attached a sealed copy of the Receivers' and Liquidators' submissions dated 14 December 2022; and
 - (c) Provided the Microsoft Teams link to the hearing.

5BS Property

13. At pages 14 to 17 of Exhibit KP-1 is a copy of the Transfer by Mortgagee under Power of Sale for the 5BS Property dated 29 July 2022 with dealing number AS349701.

Current net bank balance for the Receivership Properties

- 14. Exhibited to Mr Ireland's affidavit affirmed 9 December 2022 in the Remuneration Application are copies of the Receivers" remunerations reports with respect to each of the properties or assets that they are appointed over pursuant to orders of the Court dated 3 September 2021 (*Receivership Properties*). At Schedule E of each of the Receivers' remuneration reports is a summary of the receipts and payments for that Receivership Property from 3 September 2021 to 30 September 2022, with a net bank balance for the Receivership Property following receipts and payments at 30 September 2022.
- 15. I am informed by a staff member in the employ of the Receivers and verily believe that following 30 September 2022, further receipts and payments have been made with respect to the Receivership Properties.

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16. At pages 18 to 19 of Exhibit KP-1 is a copy of a schedule prepared by the Receivers' team which contains a summary of the transactions for each of the Receivership Properties between the period of 30 September 2022 and 15 December 2022.

Affirmed by the above named deponent at Sydney, New South Wales on 15 December 2022
Before me:

Signature of deponent

Signature of witness
India Shat
Sdictur

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

Applicants

Affidavit of:

Kirsty Prinsloo

Address:

126 Phillip Street, Sydney NSW 2000

Occupation:

Lawyer

Date:

15 December 2022

CERTIFICATE IDENTIFYING EXHIBIT

This is the exhibit marked "**KP-1**" produced and shown to Kirsty Prinsloo at the time of affirming her affidavit this 15 December 2022.

Before me:

Signature of witness
India Shul
Sdictur

From:

Prinsloo, Kirsty

Sent:

Sunday, 11 December 2022 9:38 PM

To:

Michael Hughes; 'Caitlin Murray'; 'Dobson, Roger'; 'Yiasemides, Maria'; PROJECT

OLYMPUS; ForumGroupJD

Cc:

Prestwich, Chris; Forum (Allens)

Subject:

NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID15582221

Attachments:

Remuneration.zip; Receivership.zip

Dear Colleagues

Please see attached the following:

Interlocutory Application and supporting Affidavit of the Receivers of 26 Edmonstone Road, 5 Bulkara Street, 6
Bulkara Street and the XOXO Yacht seeking approval for the Receivers' remuneration (*Remuneration Application*); and

2. Interlocutory Application and supporting Affidavit of the Liquidators of 64-66 Berkeley Street Hawthorne Pty Limited (In Liquidation) and 9 Gregory Street Ouyen Pty Ltd (In Liquidation) seeking orders pursuant to s57 of the Federal Court of Australia Act 1976 (Cth) (Receivership Application)

The Remuneration Application and Receivership Application were submitted through eLodgment on Friday 9 December however sealed copies have not yet been returned.

The Remuneration Application has been listed for hearing on 16 December at 11:45am before Justice Cheeseman. We are waiting to hear back from the Associate as to whether the Receivership Application will be listed at the same time. We will keep you updated in that regard.

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183









From:

Prinsloo, Kirsty

Sent:

Sunday, 11 December 2022 9:41 PM

To:

'Eric Maben'; Nikolas Kalcic; Emma Soulsby; Nigel Evans

Cc:

Prestwich, Chris; Forum (Allens)

Subject:

NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID15582221

Attachments:

Remuneration.zip; Receivership.zip

Dear Colleagues

Please see attached the following:

- Interlocutory Application and supporting Affidavit of the Receivers of 26 Edmonstone Road, 5 Bulkara Street, 6
 Bulkara Street and the XOXO Yacht seeking approval for the Receivers' remuneration (*Remuneration*Application): and
- 2. Interlocutory Application and supporting Affidavit of the Liquidators of 64-66 Berkeley Street Hawthorne Pty Limited (In Liquidation) and 9 Gregory Street Ouyen Pty Ltd (In Liquidation) seeking orders pursuant to s57 of the Federal Court of Australia Act 1976 (Cth) (Receivership Application)

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Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183









From:

Prinsloo, Kirsty

Sent:

Monday, 12 December 2022 10:11 AM

To:

'Michael Hughes'; 'Caitlin Murray'; 'Dobson, Roger'; 'Yiasemides, Maria'; 'PROJECT

OLYMPUS'

Cc:

Prestwich, Chris: Forum (Allens)

Subject:

RE: NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID15582221

Attachments:

Sealed remuneration.zip; Sealed receivership.zip

Dear Colleagues

We refer to our below email.

Please see attached sealed copies of the Remuneration Application and Receivership Application.

Both applications are listed before Justice Cheeseman on 15 December 2022 at 11.45am.

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, **Allens DL** +61 2 9230 4735 **M** +61 420 347 183

From: Prinsloo, Kirsty

Sent: Sunday, 11 December 2022 9:38 PM

To: Michael Hughes <Michael.Hughes@minterellison.com>; 'Caitlin Murray' <Caitlin.Murray@minterellison.com>; 'Dobson, Roger' <rdobson@jonesday.com>; 'Yiasemides, Maria' <myiasemides@jonesday.com>; PROJECT OLYMPUS

<PROJECTOLYMPUS@minterellison.com>; ForumGroupJD <ForumGroupJD@jonesday.com>

Cc: Prestwich, Chris <Chris.Prestwich@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au> Subject: NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

Dear Colleagues

Please see attached the following:

- Interlocutory Application and supporting Affidavit of the Receivers of 26 Edmonstone Road, 5 Bulkara Street, 6
 Bulkara Street and the XOXO Yacht seeking approval for the Receivers' remuneration (*Remuneration Application*); and
- Interlocutory Application and supporting Affidavit of the Liquidators of 64-66 Berkeley Street Hawthorne Pty Limited (In Liquidation) and 9 Gregory Street Ouyen Pty Ltd (In Liquidation) seeking orders pursuant to s57 of the Federal Court of Australia Act 1976 (Cth) (Receivership Application)

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Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, **Allens** DL +61 2 9230 4735 M +61 420 347 183









From:

Prinsloo, Kirsty

Sent:

Monday, 12 December 2022 10:10 AM

To:

'Eric Maben'; 'Nikolas Kalcic'; 'Emma Soulsby'; 'Nigel Evans'

Cc:

Prestwich, Chris; Forum (Allens)

Subject:

RE: NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID15582221

Attachments:

Sealed remuneration.zip; Sealed receivership.zip

Dear Colleagues

We refer to our below email.

Please see attached sealed copies of the Remuneration Application and Receivership Application.

Both applications are listed before Justice Cheeseman on 15 December 2022 at 11.45am.

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183

From: Prinsloo, Kirsty

Sent: Sunday, 11 December 2022 9:41 PM

To: 'Eric Maben' <eric@aptumlegal.com.au>; Nikolas Kalcic <nikolas@aptumlegal.com.au>; Emma Soulsby

<emma@aptumlegal.com.au>; Nigel Evans <nigel@aptumlegal.com.au>

Cc: Prestwich, Chris <Chris.Prestwich@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au> Subject: NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

Dear Colleagues

Please see attached the following:

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Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183





From:

Prinsloo, Kirsty

Sent:

Tuesday, 13 December 2022 5:56 PM

To:

Konfir Kabo; Lily Yonathan

Cc:

Prestwich, Chris; Short, India

Subject:

NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID15582221

Attachments:

Sealed remuneration.zip; Sealed receivership.zip

Dear Konfir and Lily

Please see attached the following:

Interlocutory Application and supporting Affidavit of the Receivers of 14 James Street, 26 Edmonstone Road, 5
Bulkara Street, 6 Bulkara Street and the XOXO Yacht seeking approval for the Receivers' remuneration
(Remuneration Application); and

2. Interlocutory Application and supporting Affidavit of the Liquidators of 64-66 Berkeley Street Hawthorne Pty Limited (In Liquidation) and 9 Gregory Street Ouyen Pty Ltd (In Liquidation) seeking orders pursuant to s57 of the Federal Court of Australia Act 1976 (Cth) (Receivership Application)

Both applications are listed before Justice Cheeseman on 15 December 2022 at 11.45am.

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183



in





From:

Prinsloo, Kirsty

Sent:

Wednesday, 14 December 2022 6:23 PM

To:

'Michael Hughes'; 'Caitlin Murray'; 'Dobson, Roger'; 'Yiasemides, Maria'; 'PROJECT

OLYMPUS'

Cc:

Prestwich, Chris; Forum (Allens)

Subject:

RE: NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID1558222]

Attachments:

Amended Interlocutory Application 14 December 2022 (2).pdf; Submissions -

receivership and remuneration - 14 December 2022 (5).pdf

Dear Colleagues

We refer to the hearing of the Remuneration Application and Receivership Application listed at 11:45am tomorrow.

Please see attached:

- 1. Amended Interlocutory Process dated 14 December 2022 which has been lodged with the Court; and
- 2. Submissions of the Receivers and Liquidators dated 14 December 2022.

Below is a Microsoft Teams link provided by the Court which is available for attendance by interested parties. Please note that any appearances are required in person.

Microsoft Teams meeting

Join on your computer, mobile app or room device

Click here to join the meeting Meeting ID: 411 808 321 348

Passcode: rOnfSZ

Download Teams | Join on the web

Join with a video conferencing device

federalcourts@m.webex.com

Video Conference ID: 139 380 920 5

Alternate VTC instructions

Or call in (audio only)

+61 2 9161 1229 777979588# Australia, Sydney

Phone Conference ID: 777 979 588#

Find a local number | Reset PIN

Learn More | Meeting options

Kind regards

Kirsty-

Kirsty Prinsloo

Managing Associate, Allens

DL +61 2 9230 4735 M +61 420 347 183

From: Prinsloo, Kirsty

Sent: Monday, 12 December 2022 10:11 AM

To: 'Michael Hughes' <Michael.Hughes@minterellison.com>; 'Caitlin Murray' <Caitlin.Murray@minterellison.com>; 'Dobson, Roger' <rdobson@jonesday.com>; 'Yiasemides, Maria' <myiasemides@jonesday.com>; 'PROJECT

OLYMPUS' <PROJECTOLYMPUS@minterellison.com>

Cc: Prestwich, Chris <Chris.Prestwich@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au> **Subject:** RE: NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

Dear Colleagues

We refer to our below email.

Please see attached sealed copies of the Remuneration Application and Receivership Application.

Both applications are listed before Justice Cheeseman on 15 December 2022 at 11.45am.

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, **Allens** DL +61 2 9230 4735 **M** +61 420 347 183

From: Prinsloo, Kirsty

Sent: Sunday, 11 December 2022 9:38 PM

To: Michael Hughes < Michael. Hughes@minterellison.com >; 'Caitlin Murray' < Caitlin. Murray@minterellison.com >; 'Dobson, Roger' < rdobson@jonesday.com >; 'Yiasemides, Maria' < myiasemides@jonesday.com >; PROJECT OLYMPUS

<PROJECTOLYMPUS@minterellison.com>; ForumGroupJD <ForumGroupJD@jonesday.com>

Cc: Prestwich, Chris < Chris.Prestwich@allens.com.au; Forum (Allens) < ForumAllens@allens.com.au> **Subject:** NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

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Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183









From: Prinsloo, Kirsty

Sent: Wednesday, 14 December 2022 6:25 PM

To: 'Eric Maben'; 'Nikolas Kalcic'; 'Emma Soulsby'; 'Nigel Evans'

Cc: Prestwich, Chris; Forum (Allens)

Subject: RE: NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID1558222]

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Microsoft Teams meeting

Join on your computer, mobile app or room device

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Passcode: rQnfSZ

Download Teams | Join on the web

Join with a video conferencing device

federalcourts@m.webex.com

Video Conference ID: 139 380 920 5

Alternate VTC instructions
Or call in (audio only)

+61 2 9161 1229,777979588# Australia, Sydney

Phone Conference ID: 777 979 588#
Find a local number | Reset PIN
Learn More | Meeting options

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, **Allens DL** +61 2 9230 4735 **M** +61 420 347 183

From: Prinsloo, Kirsty

Sent: Monday, 12 December 2022 10:10 AM

To: 'Eric Maben' <eric@aptumlegal.com.au>; 'Nikolas Kalcic' <nikolas@aptumlegal.com.au>; 'Emma Soulsby'

<emma@aptumlegal.com.au>; 'Nigel Evans' <nigel@aptumlegal.com.au>

Cc: Prestwich, Chris <Chris.Prestwich@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au> **Subject:** RE: NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

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Kirsty

Kirsty Prinsloo Managing Associate, **Allens DL** +61 2 9230 4735 **M** +61 420 347 183

From: Prinsloo, Kirsty

Sent: Sunday, 11 December 2022 9:41 PM

To: 'Eric Maben' <eric@aptumlegal.com.au>; Nikolas Kalcic <nikolas@aptumlegal.com.au>; Emma Soulsby

<emma@aptumlegal.com.au>; Nigel Evans <nigel@aptumlegal.com.au>

Cc: Prestwich, Chris < Chris.Prestwich@allens.com.au; Forum (Allens) < ForumAllens@allens.com.au> Subject: NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

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Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, Allens DL +61 2 9230 4735 M +61 420 347 183



in





From:

Prinsloo, Kirsty

Sent:

Wednesday, 14 December 2022 6:24 PM

To: Cc: 'Konfir Kabo'; 'Lily Yonathan' Prestwich, Chris; Short, India

Subject:

RE: NSD 747/2021 | Remuneration and receivership applications [Allens-

DMS.FID1558222]

Attachments:

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receivership and remuneration - 14 December 2022 (5).pdf

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- Submissions of the Receivers and Liquidators dated 14 December 2022.

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Or call in (audio only)

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Phone Conference ID: 777 979 588#

Find a local number | Reset PIN

Learn More | Meeting options

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, **Allens DL** +61 2 9230 4735 **M** +61 420 347 183

From: Prinsloo, Kirsty

Sent: Tuesday, 13 December 2022 5:56 PM

To: Konfir Kabo < Konfir.Kabo@kabolawyers.com>; Lily Yonathan < Lily.Yonathan@kabolawyers.com> Cc: Prestwich, Chris < Chris.Prestwich@allens.com.au>; Short, India < India.Short@allens.com.au> Subject: NSD 747/2021 | Remuneration and receivership applications [Allens-DMS.FID1558222]

Dear Konfir and Lily

Please see attached the following:

- Interlocutory Application and supporting Affidavit of the Receivers of 14 James Street, 26 Edmonstone Road, 5
 Bulkara Street, 6 Bulkara Street and the XOXO Yacht seeking approval for the Receivers' remuneration
 (Remuneration Application); and
- Interlocutory Application and supporting Affidavit of the Liquidators of 64-66 Berkeley Street Hawthorne Pty Limited (In Liquidation) and 9 Gregory Street Ouyen Pty Ltd (In Liquidation) seeking orders pursuant to s57 of the Federal Court of Australia Act 1976 (Cth) (Receivership Application)

Both applications are listed before Justice Cheeseman on 15 December 2022 at 11.45am.

Kind regards

Kirsty

Kirsty Prinsloo Managing Associate, **Allens DL** +61 2 9230 4735 **M** +61 420 347 183





Residual Document Version 04

Lodger Details

Lodger Code

500002G

Name

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

ANZ RETAIL AND SMALL BUSINESS

Address

ANZ CENTRE PO BOX Q108 QVB SYDNEY 1230

Lodger Box

er Box 1

Email

PEXANOTICESPURCHASES@ANZ.COM

Reference

801220283 PURCH

Land Registry Document Identification

AS349701

STAMP DUTY:

Transfer by Mortgagee Under Power of Sale (01TP)

Jurisdiction

NEW SOUTH WALES

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Land Title Reference

Part Land Affected?

Land Description

2/1141260

Applicant

MURRAY DAVID KIRBY HUNTER

Document Type

Transfer by Mortgagee Under Power of Sale (01TP)

The subscriber requests the Registrar-General to make any necessary recording in the Register to give effect to this instrument, in respect of the land or interest described above.

Attachment

See attached Dealing

Execution

The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.

The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

The Certifier has retained the evidence supporting this Registry Instrument or Document.

The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of

MURRAY DAVID KIRBY HUNTER

Signer Name

DAJANA MALNERSIC

Signer Organisation

PARTNERS OF POLCZYNSKI ROBINSON

Signer Role

PRACTITIONER CERTIFIER

Execution Date

29/07/2022

OITP Form: Release: 5-4

TRANSFER BY MORTGAGEE UNDER POWER OF SALE

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales

Section 58 Real Property Act 1900

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that

			any person for search upon p		
	STAMP DUTY	1	Assessment No. as issued by		
Duties Assessment No. 10433055-001				Of his though any area area differentiable beauti	
(A)		Lot. 2 DP	1141260		
(B)	LODGED BY	Document Collection Box	Name, Address or DX. Telep Polczynski Robinson GPO Box 652 Sydney		CODE
	Arolotroro			wyers.com.au	
(C)	REGISTERED PROPRIETOR	5 Bulkar	a Street Pty Limited	(ACN 630 982 160)	
(D)	TRANSFEROR (MORTGAGEE)	National	Australia Bank Limi	ted (ABN 12 004 044 937)	
(E) (F)		proprietor of the	being the mortgagee in MORTG he above land, acknowledges re tale under that mortgage transf s (if applicable):	eccipt of the consideration of \$ 8,500,000	om the registered ad in exercise of he transferee
(H)	TRANSFEREE		avid Kirby Hunter		
	DATE				
	I certify that I am an eligible witness a attorney signed this dealing in my pres [See note* below].			Certified correct for the purposes of the Real F 1900 by the transferor's attorney who signed this depursuant to the power of attorney specified	
	Signature of witner	SS:		Signature of attorney:	WAW.
100	Name of witness: Address of witness	:		Attorney's name: SCL ANNUAC Signing on behalf of: Power of attorney-Book: -No.;	WE A
				Certified correct for the purposes of the Real I 1900 on behalf of the transferee by the person signature appears below.	

Signatory's name: Signatory's capacity:

Mathew Steven Barlow solicitor

(A) The transferee eNOS II) No 2684147 certifies that the eNOS data relevant to this dealing has been s

Full name: Mathew Steven Barlow

Signature:

* \$117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation. ALL HANDWRITING MEST DE IN PLOCK CAPITALS Page 1 of 2.

stored under

Annexure "A" to the Transfer by Mortgagee under Power of Sale

From National Australia Bank Limited ABN 12 004 044 937 to Murray David Kirby Hunter in respect of Folio Identifier 2/1141260

Executed by National Australia Bank Limited ABN 12 004 044 937

I certify that I am an eligible witness and that the Certified correct for the purposes of the Real transferor's attorney signed this dealing in my Property Act 1900 by the transferor's attorney presence. [See note* below]. who signed this dealing pursuant to the power of attorney specified. Signature of witness Signature of attorney JUSTIN KANG PARTNER
Name and title of attorney (print) DEN TONS Name of witness (print)

Address of witness (print)

Jacq NW 2000

Signing on behalf of National Australia Bank
Limited ABN 12 004 044 937

Power of attorney - Book 4730 No 323

*s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.



NSW Land Registry Services

Level 30, 175 Liverpool Street Sydney NSW 2000 GPO Box 15, Sydney NSW 2001 P (02) 8776 3575 E eConveyancingNSW@nswlrs.com.au www.nswlrs.com.au

Lodgment Rules Exception Form

This form must be lodged with every Dealing with Exception and Miscellaneous Dealing (Miscellaneous Document) form, as defined in the Lodgment Rules.

Please accept this scanned paper dealing, as an eligible exception under Rules 5 or 10 of the Lodgment Rules (version 2), that has been lodged as either a:

- 1. Dealing with Exception form; or
- 2. Miscellaneous Dealing (Miscellaneous Document) form

Lodgment Rules exception number: *_	52	
*Insert, from the <u>Lodgment Rules exceptions I</u> form or Miscellaneous Dealing (Miscellaneous		r relied on to use the Dealing with Exception

The Lodgment Rules exception list is published on the Office of the Registrar General Lodgment Rules webpage: https://www.registrargeneral.nsw.gov.au/publications/lodgment-rules

Forum R&M Transactions post 30 September 2022

14 James Street

Detail	Amount (\$ incl. GST)	Account McN
Utilities	(274.17)	
Insurance	(16,211.86)	McN
Funds received in error	(554.12)	McN
Interest	131.78	McN
Project management services	(2,365.00)	McN
GST Paid	(228,515.00)	Allens
Total transactions post 30 September 2022	(247,788.37)	
Net bank balance at 30 September	5,791,764.18	
Net bank balance at 15 December	5,543,975.81	

26 Edmonstone Rd			
Detail	Amount (\$ incl. GST)	Account	
Interest	75.07	McN	
GST Paid	(421,525.00)	Allens	
Total transactions post 30 September 2022	(421,449.93)		
Net bank balance at 30 September	2,366,964.10		
Net bank balance at 15 December	1,945,514,17		

5 Bulkara		
Detail	Amount (\$ incl. GST)	Account
Nil	-	McN
Total transactions post 30 September 2022	-	
Net bank balance at 30 September	2,800,000.00	
Net bank balance at 15 December	2,800,000.00	

6 Bulkara		· ·
Detail	Amount (\$ incl. GST)	Account
Interest	1.23	McN
Total transactions post 30 September 2022	1.23	
Net bank balance at 30 September	9,808,169.94	
Net bank balance at 15 December	9,808,171.17	

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Detail	Amount (\$ incl. GST)	Account
Nil	-	McN
Total transactions post 30 September 2022	•	
Net bank balance at 30 September	616,283.00	
Net bank balance at 15 December	616,283.00	