

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane

NUMBER: S1737 of 2018

IN THE MATTER OF OSTWALD CONSTRUCTION MATERIALS PTY LIMITED (SUBJECT TO DEED OF COMPANY ARRANGEMENT)

ACN 116 959 258

First Applicants: DERRICK CRAIG VICKERS AND SAM ANDREW MARSDEN AS DEED ADMINISTRATORS OF OSTWALD CONSTRUCTION MATERIALS PTY LIMITED (SUBJECT TO DEED OF COMPANY ARRANGEMENT)

Second Applicant: OSTWALD CONSTRUCTION MATERIALS PTY LIMITED (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 116 959 258

ORDER

Before: Justice Burns

Date: 14 March 2018

Initiating document: Originating Application filed 16 February 2018

THE ORDER OF THE COURT IS THAT:

1. Pursuant to s.80-55(5)(b) of Schedule 2 to the *Corporations Act 2001* (Cth), leave nunc pro tunc for Tim McGowan (a member of the committee of inspection formed for the administration of the second applicant) to derive a profit or advantage from the transactions listed in the attached schedule.
2. By 16 March 2018, the first applicants are to:
 - (a) serve a copy of these orders on the Australian Securities and Investments Commission; and
 - (b) give notice of these orders to the second applicant's creditors by:
 - (i) uploading a copy of these orders onto the website "www.ostwaldbros.com.au" (**Website**) so as to be accessible to creditors of the second applicant; and
 - (ii) sending a circular letter to each of the second applicant's known creditors (by email in respect of those creditors who have informed the first applicants of their

ORDER

Filed on behalf of the Applicants
Form 59 R.661

FINAL ORDER

Clayton Utz, Lawyers
Level 28, Riparian Plaza, 71 Eagle Street
Brisbane Qld 4000
GPO Box 9806 Brisbane Qld 4001
Telephone: (07) 3292 7000
Facsimile: (07) 3221 9669
12376/15948/80192437

email addresses, and by post in respect of all other known creditors) informing them of the substance of these orders and providing a link to the Website.

Signed:

DBurrows
Deputy Registrar



SCHEDULE: TRANSACTIONS BETWEEN THE SECOND APPLICANT AND ENTITY CONNECTED WITH A MEMBER OF THE COMMITTEE OF INSPECTION (COI)

| Counterparty to transaction with the second applicant | COI member and connection with counterparty | Description of transaction entered into between the second applicant and the counterparty | Date of transaction |
|--|--|--|----------------------------|
| FK Gardner & Sons Pty Ltd (FKG & Sons) | Tim McGowan (employee - Senior Legal Counsel) | Sale of second applicant's property to and receipt of payment of \$734.98 from FK Gardner Civil Pty Ltd | 13.09.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$377.88 from FKG & Sons and Mcllwain Civil Engineering Pty Ltd (Mcllwain) | 13.10.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$12,659.96 from FKG & Sons and Mcllwain | 13.10.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$6,056.67 from FKG & Sons and Mcllwain | 13.10.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$23,200.92 from FKG & Sons and Mcllwain | 31.10.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$2,320.08 from FKG & Sons and Mcllwain (GST) | 31.10.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$15,054.79 from FKG & Sons and Mcllwain | 17.11.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$1,505.57 from FKG & Sons and Mcllwain (GST) | 17.11.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$103,143.37 from FKG & Sons and Mcllwain | 17.11.2017 |
| | | Sale of second applicant's property to and receipt of payment of \$10,314.35 from FKG & Sons and Mcllwain (GST) | 17.11.2017 |
| TOTAL received from FKG & Sons and FK Gardner Civil Pty Ltd | | | \$175,368.57 |