



Issued: 10 January 2017 1:14 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2017/00004110

TITLE OF PROCEEDINGS

First Plaintiff	Vaughan Neil Strawbridge & David John Frank Lombe as Joint & Several Voluntary Administrators of the 2nd to 5th plaintiffs
Second Plaintiff	HSW Corp Pty Ltd (Administrators Appointed) ACN 104 435 181
Number of Plaintiff(s)	5
First Defendant	.
Corporation subject of the proceeding	HSW Corp Pty Ltd (Administrators Appointed) ACN 104 435 181

Refer to Party Details at rear for full list of parties

DATE OF JUDGMENT/ORDER

Date made or given	4 January 2017
Date entered	5 January 2017

TERMS OF JUDGMENT/ORDER

By Order of the Court:

The Court makes orders in terms of the short minutes of order initialled by Robb J and dated today's date and notes that order 1 provides for the filing in court of the originating process and Mr Lombe's affidavit sworn 3 January 2017.

Exhibit DJFL-1 to the affidavit of David Frank Lombe sworn 3 January 2017 save for the document behind tab 14 is admitted into evidence as Exhibit A.

Document referred to in the affidavit of David Frank Lombe sworn 3 January 2017 referred to as the Hilco terms sheet and being behind tab 14 of the exhibit to the affidavit is separately admitted into evidence as confidential Exhibit B.

THE COURT ORDERS:

1. Upon the undertaking of the solicitor for the Plaintiffs to pay the appropriate filing fee, the Plaintiffs have leave to file in Court the Originating Process dated 3 January 2017 and the affidavit of David John Frank Lombe sworn on 3 January 2017.
2. Pursuant to section 439A(6) of the Corporations Act, 2001 (Cth) (the Act) that the date of the convening period as defined by section 439A(5) of the Act, for the second meeting of creditors of each of the Second, Third, Fourth and Fifth Plaintiffs (the Companies) is extended from 18 January 2017 up to and including 24 April 2017.
3. Pursuant to section 447A of the Act, Part 5.3A of the Act is to operate in relation to each of the Companies as if the meeting of creditors of each of the Companies required by section 439A of that Act, may be convened and held at any time during the period as extended under paragraph 2 above, and the period of five (5) business days thereafter, notwithstanding the provisions of section 439A(2) of the Act.
4. Pursuant to section 588FM(1) of the Act, in respect of any security interests granted by any of the Plaintiffs in favour of Hilco Merchant Australia Pty Limited in connection with the Hilco Terms Sheet

(as defined in the affidavit of Mr Lombe), the registration time for the collateral is, for the purposes of section 588FL(2)(b)(iv) of the Act, fixed to be the time that is the end of 20 business days after the security agreement that gave rise to the security interest came into force.

5. Pursuant to sections 7, 8(l)(a), 8(l)(e) and 9 of the Court Suppression and Non-Publication Orders Act, 2010 (NSW) and the implied/inherent jurisdiction of the Court, disclosure by publication or otherwise of the information contained in the document at Tab 14 of exhibit "DJFL-I" to the Affidavit of David John Frank Lombe sworn 3 January 2017 is prohibited.

6. The document at Tab 14 of exhibit "DJFL-I" to the Affidavit of David John Frank Lombe sworn 3 January 2017 is to be marked "confidential" and is to be placed in a sealed envelope on the Court file and is not to be opened without leave of His Honour Justice Robb.

7. The costs of and incidental to this application are costs of the administration of each of the Companies.

8. Liberty to apply is granted to any person who can demonstrate sufficient interest to vary these orders on the giving of reasonable notice to the First Plaintiffs.

9. The Plaintiffs have leave to apply for any further extension of the convening period referred to in paragraph 2 above or the time for registration of security interests referred to in paragraph 4 above, at any time before the relevant date.

10. The First Plaintiffs give notice of the orders made by the Court to the creditors of each of the Companies by:

(a) placing a copy of the orders made by the Court on the website maintained by the Plaintiffs at www.deloittes.com.au/howards-storage-world; and

(b) sending a copy of the orders made by the Court by:

(i) email to all creditors of the Companies who have provided the Plaintiffs with an email address; and

(ii) mail to all other creditors of the Companies who have not provided the Plaintiffs with an email address.

AND THE COURT NOTES:

11. The creation of any security interest in favour of Hilco Merchant Australia Pty Limited is subject to the Plaintiffs' first obtaining the consent of the National Australian Bank, in accordance with the terms of the registered security interest of the National Australia Bank.

SHORT MINUTES OF ORDER:

1. Upon the undertaking of the solicitor for the Plaintiffs to pay the appropriate filing fee, the Plaintiffs have leave to file in Court the Originating Process dated 3 January 2017 and the affidavit of David John Frank Lombe sworn on 3 January 2017.

2. Pursuant to section 439A(6) of the Corporations Act, 2001 (Cth) (the Act) that the date of the convening period as defined by section 439A(5) of the Act for the second meeting of creditors of each of the Second, Third, Fourth and Fifth Plaintiff's (the Companies) is extended from 18 January 2017 up to and including 24 April 2017.

3. Pursuant to section 447A of the Act, Part 5.3 A of the Act is to operate in relation to each of the Companies as if the meeting of creditors of each of the Companies required by section 439 A of that Act, may be convened and held at any time during the period as extended under paragraph 2 above, and the period of five (5) business days thereafter, notwithstanding the provisions of section 439 A (2) of the Act.

4. Pursuant to section 588FM(1) of the Act, in respect of any security interests granted by any of the Plaintiffs in favour of Hilco Merchant Australia Pty Limited in connection with the Hilco Terms Sheet (as defined in the affidavit of Mr Lombe), the registration time for the collateral is, for the purposes of section 588FL(2)(b)(iv) of the Act, fixed to be the time that is the end of 20 business days after the security agreement that gave rise to the security interest came into force.

5. Pursuant to sections 7, 8(l)(a), 8(l)(e) and 9 of the Court Suppression and Non-Publication Orders Act, 2010 (NSW) and the implied/inherent jurisdiction of the Court, disclosure by publication or otherwise of the information contained in the document at Tab 14 of exhibit "DJFL-I" to the Affidavit of David John Frank Lombe sworn 3 January 2017 is prohibited.

6. The document at Tab 14 of exhibit "DJFL-I" to the Affidavit of David John Frank Lombe sworn 3 January 2017 is to be marked "confidential" and is to be placed in a sealed envelope on the Court file and is not to be opened without leave of His Honour Justice Robb.

7. The costs of and incidental to this application are costs of the administration of each of the Companies.

8. Liberty to apply is granted to any person who can demonstrate sufficient interest to vary these

orders on the giving of reasonable notice to the First Plaintiffs.

9. The Plaintiffs have leave to apply for any further extension of the convening period referred to in paragraph 2 above or the time for registration of security interests referred to in paragraph 4 above, at any time before the relevant date.

10. The First Plaintiffs give notice of the orders made by the Court to the creditors of each of the Companies by:

(a) placing a copy of the orders made by the Court on the website maintained by the Plaintiffs at www.deloittes.com.au/howards-storage-world; and

(b) sending a copy of the orders made by the Court by:

(i) email to all creditors of the Companies who have provided the Plaintiffs with an email address; and

(ii) mail to all other creditors of the Companies who have not provided the Plaintiffs with an email address.

AND THE COURT NOTES:

11. The creation of any security interest in favour of Hilco Merchant Australia Pty Limited is subject to the Plaintiffs' first obtaining the consent of the National Australian Bank, in accordance with the terms of the registered security interest of the National Australia Bank.

SEAL AND SIGNATURE



Signature M. Shevlin (L.S.)

Capacity Chief Clerk

Date 10 January 2017

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

PARTY DETAILS

PARTIES TO THE PROCEEDINGS

First Application under Corporation Law

Plaintiff(s)

First Plaintiff	Vaughan Neil Strawbridge & David John Frank Lombe as Joint & Several Voluntary Administrators of the 2nd to 5th plaintiffs
Second Plaintiff	HSW Corp Pty Ltd (Administrators Appointed) ACN 104 435 181
Third Plaintiff	Plaza Home-Imports Pty Ltd (Administrators Appointed) ACN 069 891 201
Fourth Plaintiff	Lealdir Pty Ltd (Administrators Appointed) ACN 104 246 433
Fifth Plaintiff	Howards Storage World Pty Ltd (Administrators Appointed) ACN 094 719 490

Defendant(s)

First Defendant .