



Grant Thornton

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To the Recipient as Addressed

19 December 2019

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**Grant Thornton Australia Limited**

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## Initial Information for creditors

### Brien Brick and Blocklaying Pty Ltd (In Liquidation) ACN 602 984 574 (the “Company”)

Brien Brick and Blocklaying Pty Ltd may owe you money. This means you may be a creditor of Brien Brick and Blocklaying Pty Ltd.

The purpose of this document is to provide you with information about the liquidation of Brien Brick and Blocklaying Pty Ltd and your rights as a creditor.

#### **Notification of appointment**

We were appointed Joint and Several Liquidators of the Company by the Court on 13 December 2019.

We act for all creditors. We are responsible for locating the Company’s assets, investigating the Company’s affairs, reporting to ASIC and, if funds become available, paying money owed to creditors.

Our independent status and who appointed us is outlined in our Declaration of Independence, Relevant Relationships and Indemnities (DIRRI) attached at **Appendix A**.

ABN-41 127 556 389 ACN-127 556 389

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BBB - LTR - Initial Information  
for creditors 20191217

## What do you need to know?

Question	Answer
<b>What is a court liquidation?</b>	A court liquidation is where an order to place a Company into liquidation is made by the Court. Usually this is on application of a creditor where the Company has not paid its outstanding debt. Usually this means that the Company is insolvent.
<b>What are your rights as a creditor?</b>	Information regarding your rights as a creditor is provided in the information sheet included at <b>Appendix B</b> . This includes your right to: <ul style="list-style-type: none"><li>• Make reasonable requests for a meeting;</li><li>• Make reasonable requests for information;</li><li>• Give directions to me;</li><li>• Appoint a reviewing liquidator; and</li><li>• To replace me as liquidator.</li></ul>
<b>What happens to your debt?</b>	All creditors of the Company are now creditors in the liquidation. As a creditor, you have certain rights, although your debt will now be dealt with in the liquidation.  The amount of money you receive depends on the amount we recover, including from finding and selling the Company's assets. After paying my fees, creditors share the remaining money. This amount is called a dividend.  A dividend can vary between creditors because the law entitles different types of creditors to be paid before other types of creditors.  If you have leased the Company property, have a retention of title claim or hold a Personal Property Security in relation to the Company, please contact our staff as soon as possible.
<b>Do you have to do anything?</b>	You should read this information. You can choose to participate in the liquidation process, but you don't have to. If we need you to take action, we will write and ask you. For example, we may ask you to provide proof of your debt before we can pay you a dividend.  If you do not think you are a creditor, please let us know.
<b>Summary of the Company's affairs</b>	We requested a Report on Company Activities and Property (ROCAP) from the directors on 13 December 2019. The Directors have 10 business day from 13 December 2019 to return the ROCAP to my office.
<b>What is the cost of the liquidation</b>	We get paid out of the Company's money, including realisations from assets or from money paid to us by others, such as the Company's directors. If there is not enough money in the liquidation, we may not get paid in full.  We may write and ask that you approve our remuneration for the work that we do in completing the liquidation. If we do, we will provide you with detailed information so that you can understand what tasks we have undertaken and the costs of those tasks.  Included at <b>Appendix C</b> is our Initial Remuneration Notice. This document provides you with information about how we propose to be paid for undertaking the liquidation.

<p><b>What further communication will you receive?</b></p>	<p>We will write to you within three months of our appointment advising whether a dividend is likely and update you on the progress of our investigations.</p> <p>We may also send you updates on the progress of the liquidation or proposals to approve certain matters in the liquidation at any time.</p> <p>It is unlikely that we will hold a meeting to communicate with creditors unless we believe it is in the interests of creditors. However, if we receive a request for a meeting that complies with the guidelines set out in the creditor rights information sheet, we will hold a meeting of creditors.</p>
<p><b>What happens next?</b></p>	<p>We will proceed with the liquidation, including:</p> <ul style="list-style-type: none"> <li>• Recovering and selling any available property;</li> <li>• Investigating the Company's affairs;</li> <li>• Reporting to the corporate regulator, the Australian Securities and Investments Commission (ASIC); and</li> <li>• Distributing any available funds to creditors in accordance with their priority.</li> </ul>
<p><b>Where can you get more information?</b></p>	<p>The Australian Restructuring Insolvency and Turnaround Association (ARITA) provides information to assist creditors with understanding liquidations and insolvency. This information is available from ARITA's website at <a href="http://arita.com.au/creditors">arita.com.au/creditors</a>. Refer <b>Appendix D</b>.</p> <p>ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at <a href="http://asic.gov.au">asic.gov.au</a> (search for "insolvency information sheets"). Refer <b>Appendix E</b>.</p>

Please contact my office should you require further information. There is also information about this liquidation on my firm's website: [www.granththornton.com.au](http://www.granththornton.com.au).

Yours faithfully



**Graham Robert Killer**  
**Joint and Several Liquidator**

Appointment date: 13 December 2019  
Contact name: Benjamin Sanders  
Contact number: +61 7 3222 0429  
Email: [benjamin.sanders@au.gt.com](mailto:benjamin.sanders@au.gt.com)

**Attachments**

Appendix A – Declaration of Independence, Relevant Relationships and Indemnities  
Appendix B – Information Sheet - Creditor Rights in Liquidation  
Appendix C – Initial remuneration notice  
Appendix D – Summary of ARITA Insolvency information sheets  
Appendix E – Summary of ASIC Insolvency information sheets  
Appendix F – Form 535 – Proof of Debt

## Appendix A

Declaration of Independence, Relevant Relationships and Indemnities (DIRRI)

## Declaration of Independence, Relevant Relationships and Indemnities

### Brien Brick Blocklaying Pty Ltd (In Liquidation) ACN 602 984 574 (the “Company”)

The purpose of this document is to assist creditors with understanding any relationships that the Liquidators have and any indemnities or upfront payments that have been provided to the Liquidators. None of the relationships disclosed in this document are such that the independence of the Liquidators is affected.

This information is provided to you to enable you to make an informed assessment on any independence concerns, so you have trust and confidence in our independence and, if not, can act to remove and replace us if you wish.

This declaration is made in respect of ourselves, our partners, Grant Thornton Australia Limited and any of the GTAL's associated entities.

#### A. Independence

We, Graham Robert Killer and Michael Gerard McCann of Grant Thornton Australia Limited have undertaken a proper assessment of the risks to our independence prior to accepting the appointment as Liquidators of Brien Brick and Blocklaying Pty Ltd in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to our independence. We are not aware of any reasons that would prevent us from accepting this appointment.

#### B. Declaration of Relationships

##### B1. Circumstances of appointment

This appointment was referred to us by Australian Government Solicitor. We believe that this referral does not result in a conflict of interest or duty because:

We were approached by Australian Government Solicitor on 12 November 2019 and requested to provide a consent to act for the winding up of the Company. An internal conflict check was completed and a consent to act was provided on 14 November 2019. No prior communication regarding the Company was held.

We have provided no other information or advice to Brien Brick and Blocklaying Pty Ltd, the directors and its advisors prior to our appointment beyond that outlined in this DIRRI.

## B2 Prior Professional services to the Insolvent

Neither we, nor our firm, have provided any professional services to Brien Brick and Blocklaying Pty Ltd in the previous 24 months.

## B3. Relevant Relationships (excluding Professional Services to the Insolvent)

Neither we, nor our firm, have, or have had within the preceding 24 months, any relationships with Brien Brick and Blocklaying Pty Ltd, an associate of Brien Brick and Blocklaying Pty Ltd, a former insolvency practitioner appointed to Brien Brick and Blocklaying Pty Ltd or any person or entity that has security over the whole or substantially whole of Brien Brick and Blocklaying Pty Ltd's property.

We or a member of our firm, have, or have had within the preceding 24 months, a relationship with:

Name	Nature of relationship	Reasons
Australia Taxation Office ("ATO")	<p>Grant Thornton Australia LTD ("GTAL") has had past dealing with the ATO in its capacity as a creditor of past insolvency administrations conducted by us as insolvency practitioners.</p> <p>The ATO directly or indirectly refers engagements periodically to GTAL being engagements to act as Liquidators or for the provision of expert reports.</p>	<p>GTAL past involvement with the ATO will not influence our ability to fully comply with the statutory and fiduciary obligations associated with the conduct of the winding up of the Company in an objective and impartial manner.</p> <p>We believe that this relationship does not result in a conflict of interest or duty because:</p> <ul style="list-style-type: none"> <li>• Each professional engagement undertaken after referral by, or on instructions from, the ATO is conducted on an entirely separate basis, which has no connection with this appointment.</li> <li>• These engagements are only commenced after full regard is given to potential conflicts or interest in relation to all interested stakeholders.</li> <li>• GTAL has not undertaken any engagement for the Company.</li> </ul>
Australian Government Solicitor ("AGS")	<p>AGS acts as lawyers for the Petitioning Creditor, the ATO, and as noted above, approached GTAL to act as Liquidators.</p> <p>AGS periodically refers engagements to Grant Thornton.</p>	<p>We believe that this relationship does not result in a conflict of interest or duty because:</p> <ul style="list-style-type: none"> <li>• Each professional engagement undertaken after referral by, or on instructions from, AGS is conducted on an entirely separate basis, which has no connection with this appointment.</li> <li>• These engagements are only commenced after full regard is given to potential conflicts or interest in relation to all interested stakeholders.</li> <li>• GTAL has not undertaken any engagement for the Company.</li> <li>• The relationship with AGS will not influence our ability to fully comply with the statutory and fiduciary obligations associated with the Liquidation of the Company in an objective and impartial manner.</li> </ul>



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#### **B4. No other relevant relationships to disclose**

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with Brien Brick and Blocklaying Pty Ltd, an associate of Brien Brick and Blocklaying Pty Ltd, a former insolvency practitioner appointed to Brien Brick and Blocklaying Pty Ltd or any person or entity that has security over the whole or substantially whole of Brien Brick and Blocklaying Pty Ltd's property that should be disclosed.

#### **C. Indemnities and up-front payments**

We have not been indemnified in relation to this administration, other than any indemnities that we may be entitled to under statute and we have not received any up-front payments in respect of our] remuneration or disbursements.

Dated: 19 December 2019

A handwritten signature in black ink, appearing to read 'Graham Killer'.

**Graham Killer**  
Joint and Several Liquidator

A handwritten signature in black ink, appearing to read 'Michael Gerard McCann'.

**Michael Gerard McCann**  
Joint and Several Liquidator

**Note:**

If circumstances change, or new information is identified, we are required under the Corporations Act 2001/Bankruptcy Act 1966 and ARITA's Code of Professional Practice to update this Declaration and provide a copy to creditors with our next communication as well as table a copy of any replacement declaration at the next meeting of the insolvent's creditors. For Creditors' Voluntary Liquidations and voluntary administrations, this document and any updated versions of this document are required to be lodged with ASIC.

## Appendix B

ARITA Information Sheet – Creditor Rights in Liquidation

# Creditor Rights in Liquidations

As a creditor, you have rights to request meetings and information or take certain actions:



## Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by  $\geq 5\%$  of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

- $> 10\%$  but  $< 25\%$  of the known value of creditors on the condition that those creditors provide security for the cost of holding the meeting
- $\geq 25\%$  of the known value of creditors
- creditors by resolution, or
- a Committee of Inspection (this is a smaller group of creditors elected by, and to represent, all the creditors).

If a request complies with these requirements and is 'reasonable', the liquidator must hold a meeting of creditors as soon as reasonably practicable.

## Right to request information

Liquidators will communicate important information with creditors as required in a liquidation. In addition to the initial notice, you should receive, at a minimum, a report within the first three months on the likelihood of a dividend being paid.

Additionally, creditors have the right to request information at any time. A liquidator must provide a creditor with the requested information if their request is 'reasonable', the information is relevant to the liquidation, and the provision of the information would not cause the liquidator to breach their duties.

A liquidator must provide this information to a creditor within 5 business days of receiving the request, unless a longer period is agreed. If, due to the nature of the information requested, the liquidator requires more time to comply with the request, they can extend the period by notifying the creditor in writing.

## Requests must be reasonable.

### They are not reasonable if:

Both meetings and information:

- (a) complying with the request would prejudice the interests of one or more creditors or a third party
- (b) there is not sufficient available property to comply with the request
- (c) the request is vexatious

Meeting requests only:

- (d) a meeting of creditors dealing with the same matters has been held, or will be held within 15 business days

Information requests only:

- (e) the information requested would be privileged from production in legal proceedings
- (f) disclosure would found an action for breach of confidence
- (g) the information has already been provided
- (h) the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

Specific queries about the liquidation should be directed to the liquidator's office.

## Right to give directions to liquidator

Creditors, by resolution, may give a liquidator directions in relation to a liquidation. A liquidator must have regard to these directions, but is not required to comply with the directions.

If a liquidator chooses not to comply with a direction given by a resolution of the creditors, they must document their reasons.

An individual creditor cannot provide a direction to a liquidator.

## Right to appoint a reviewing liquidator

Creditors, by resolution, may appoint a reviewing liquidator to review a liquidator's remuneration or a cost or expense incurred in a liquidation. The review is limited to:

- remuneration approved within the six months prior to the appointment of the reviewing liquidator, and
- expenses incurred in the 12 months prior to the appointment of the reviewing liquidator.

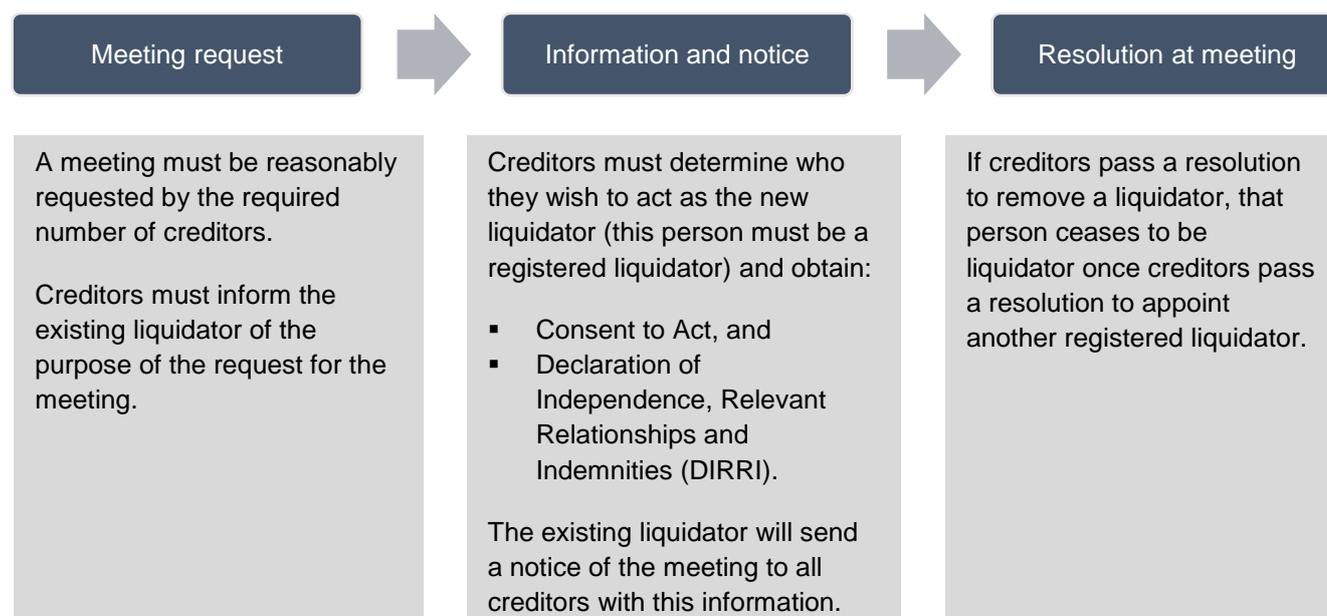
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

An individual creditor can appoint a reviewing liquidator with the liquidator's consent, however the cost of this reviewing liquidator must be met personally by the creditor making the appointment.

## Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator.

For this to happen, there are certain requirements that must be complied with:



**For more information, go to [www.arita.com.au/creditors](http://www.arita.com.au/creditors).  
Specific queries about the liquidation should be directed to the liquidator's office.**

## Appendix C

Initial remuneration notice

## Initial Remuneration Notice

Brien Brick and Blocklaying Pty Ltd (In Liquidation)  
ACN 602 984 574 (the “Company”)

The purpose of the Initial Remuneration Notice is to provide you with information about how we propose our remuneration for undertaking the Court Liquidation will be set.

### Remuneration Methods

There are four basic methods that can be used to calculate the remuneration charged by an insolvency practitioner. They are:

- A. *Time based / hourly rates:*** This is the most common method. The total fee charged is based on the hourly rate charged for each person who carried out the work multiplied by the number of hours spent by each person on each of the tasks performed.
- B. *Fixed Fee:*** The total fee charged is normally quoted at the commencement of the administration and is the total cost for the administration. Sometimes a practitioner will finalise an administration for a fixed fee.
- C. *Percentage:*** The total fee charged is based on a percentage of a particular variable, such as the gross proceeds of assets realisations.
- D. *Contingency:*** The practitioner’s fee is structured to be contingent on a particular outcome being achieved.

### Method chosen

Given the nature of this administration we propose that our remuneration be calculated on time based / hourly rates. This is because:

- It ensures that creditors are only charged for work that is performed;
- The Practitioner is required to perform a number of tasks which do not relate to the realisation of assets, for example responding to creditor enquiries, reporting to ASIC, distributing funds in accordance with the provisions of the Corporations Act or the Bankruptcy Act;
- The practitioner is unable to estimate with certainty the total amount of fees necessary to complete all tasks required in the Administration;
- The practitioner has a time recording system that can produce a detailed analysis of time spent on each type of task by each individual staff member utilised in the administration; and
- Time based remuneration calculates fees upon a basis of time spent at the level appropriate to the work performed; and

The method provides full accountability in the method of calculation.

## Explanation of Hourly Rates

The rates for our remuneration calculation are set out in the following table together with a general guide showing the qualifications and experience of staff engaged in the administration and the role they take in the administration. The hourly rates charged encompass the total cost of providing professional services and should not be compared to an hourly wage.

Position	Description	Hourly Rate (excl GST)
Appointee	Registered Liquidator / Trustee. Partner bringing specialist skills to Administrations and Insolvency matters. Controlling all matters relating to the assignment.	\$620
Director	Qualified accountant (CA/CPA) and may be a registered Liquidator/Trustee. Minimum 7/8+ years' experience. Likely to be appointed as a partner in due course. Highly advanced technical and commercial skills. Planning and control of all Administration and Insolvency tasks. Controlling substantial matters relating to the assignment and reporting to the appointee.	\$565
Senior Manager	Qualified accountant (CA/CPA). 7/8+ years' experience. Well-developed technical and commercial skills. Planning and control of all Administration and Insolvency tasks. Controlling substantial matters relating to the assignment and reporting to the appointee.	\$515
Manager	Typically CA/CPA Qualified. 5-8 years' experience. Well-developed technical and commercial skills. Planning and control of Administration and Insolvency tasks with the assistance of the appointee.	\$490
Senior Associate	Typically CA/CPA Qualified. 3-5 years' experience. Required to control the fieldwork on Administrations and Insolvency tasks.	\$420
Associate	Typically undertaking CA/CPA Qualifications. Up to 3 years' experience. Required to conduct the fieldwork on smaller Administrations and Insolvency tasks and assist with fieldwork on medium to large Administrations and Insolvency tasks.	\$330
Paraprofessional	Typically Diploma Qualified. 20+ years' professional experience. Required to conduct the fieldwork on smaller Administrations and Insolvency tasks and assist with fieldwork on medium to large Administrations and Insolvency tasks.	\$300
Secretary	Carries out all secretarial functions relating to an Administration.	\$200
Administrator	Conducts all aspects relating to administering the accounts function.	\$245

## Estimated remuneration

We estimate that this administration will cost approximately \$25,000 to \$35,000 to complete, subject to the following variables which may have a significant effect on this estimate and that we are unable to determine at this early stage in the administration:

- Number of creditors and any disputes arising;
- Investigations required;
- Asset realisations including any Plant and Equipment; and
- Any other unforeseen matters.

## Disbursements

Disbursements are divided into three types:

- **External professional services** - these are recovered at cost. An example of an externally provided professional service is legal fees. It does not include insolvency services, as insolvency services are claimed as remuneration;
- **External non-professional costs** – these are recovered at cost. Examples of external non-professional expenses include travel, accommodation and search fees; and
- **Firm non-professional costs** – such as photocopying, printing and postage. These costs, if charged to the Administration, would generally be charged at cost; though some expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis.

We are not required to seek creditor approval for expenses paid to third parties or for disbursements where we are recovering a cost incurred on behalf of the administration, but we must account to creditors. We must be satisfied that these expenses and disbursements are appropriate, justified and reasonable.

We are required to obtain creditor's consent for the payment of a disbursement where we, or a related entity of ourselves, may directly or indirectly obtain a profit. In these circumstances, creditors will be asked to approve our disbursements prior to these disbursements being paid from the administration.

Details of the basis of recovering disbursements in this administration are provided below.

### ***Basis of disbursement claim***

<b>Disbursement type</b>	<b>Rate (excl GST)</b>
Externally provided professional services	At Cost
Externally provided non-professional services	At Cost
Internal disbursements	
Postage	At Cost
Faxes (interstate)	\$2.00 per page
Faxes (local)	\$1.00 per page
Photocopying	\$1.00 per page
Staff vehicle use	Paid at the ATO set rate

Scale applicable for the financial year ending 30 June 2020.



**Graham Killer**  
**Joint and Several Liquidator**  
19 December 2019

## Appendix D

Summary of ARITA Insolvency information sheets

**ARITA**

# AUSTRALIAN RESTRUCTURING INSOLVENCY & TURNAROUND ASSOCIATION

## Insolvency information sheets

The following information sheets provide information on corporate and personal insolvency (including bankruptcy).

### ARITA information sheets

ARITA has developed a range of information sheets designed to assist creditors with understanding insolvency processes.

#### Information on a company's insolvency

- [Creditor rights \(liquidation\)](#)
- [Creditor rights \(voluntary administration\)](#)
- [Remuneration of an external administrator](#)
- [Proposals without meetings](#)
- [Committees of Inspection](#)
- [Offences and recoverable transactions in a voluntary administration](#)

#### Information on a person's insolvency (bankruptcy)

- [Creditor rights](#)
- [Proposals without meetings](#)
- [Committees of Inspection](#)

### AFSA information sheets

AFSA and ARITA have jointly developed a resource for creditors on trustee fees.

[Creditor Information Sheet: Approving a Trustee's Fees](#)

## Appendix E

Summary of ASIC Insolvency information sheets



**ASIC**  
Australian Securities &  
Investments Commission

## Insolvency information for directors, employees, creditors and shareholders

This information sheet (INFO 39) lists ASIC's information sheets for directors, employees, creditors and shareholders affected by a company's insolvency.

We have produced these with endorsement from the Australian Restructuring Insolvency & Turnaround Association (ARITA).

The information sheets give a basic understanding of the three most common company insolvency procedures – liquidation, voluntary administration and receivership – as well as the independence requirements for external administrators and approving external administrator remuneration. There is also a glossary of commonly used insolvency terms.

### List of information sheets

- [INFO 41](#) Insolvency: A glossary of terms
- [INFO 42](#) Insolvency: A guide for directors
- [INFO 43](#) Insolvency: A guide for shareholders
- [INFO 45](#) Liquidation: A guide for creditors
- [INFO 46](#) Liquidation: A guide for employees
- [INFO 54](#) Receivership: A guide for creditors
- [INFO 55](#) Receivership: A guide for employees
- [INFO 74](#) Voluntary administration: A guide for creditors
- [INFO 75](#) Voluntary administration: A guide for employees
- [INFO 84](#) Independence of external administrators: A guide for creditors
- [INFO 85](#) Approving fees: A guide for creditors

### Where can I get more information?

Further information is available from the [ARITA website](#). The ARITA website also contains the [ARITA Code of Professional Practice for Insolvency Practitioners](#).

This is **Information Sheet 39 (INFO 39)** updated on 1 September 2017. Information sheets provide concise guidance on a specific process or compliance issue or an overview of detailed guidance.

Last updated: 01/09/2017 10:57

## Appendix F

Form 535 – Proof of Debt

FORM 535

subregulation 5.6.49(2)
Corporations Act 2001

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidators of Brien Brick and Blocklaying Pty Ltd (In Liquidation) ACN 602 984 574 (the "Company")

1. This is to state that the company was on 13 December 2019, and still is, justly and truly indebted to:

\_\_\_\_\_ full name, ABN

and address of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor) for \_\_\_\_\_ dollars and \_\_\_\_\_ cents

Particulars of the debt are:

Table with 4 columns: Date, Consideration (state how the debt arose), Amount (\$), Remarks (include details of voucher substantiating payment)

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following:

\_\_\_\_\_

(insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form).

Table with 5 columns: Date, Drawer, Acceptor, Amount (\$), Due Date

3. Signed by (select option):

- I am the creditor personally.
I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.
I am the creditor's agent authorised in writing to make this statement in writing. I know the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_

Name: \_\_\_\_\_ Occupation: \_\_\_\_\_

Address: \_\_\_\_\_

RECEIVE REPORTS BY EMAIL
Do you wish to receive all future reports and correspondence from our office via email? Yes No
Email:.....