3 July 2024

TO THE CREDITOR
AS ADDRESSED

Dear Sir or Madam

STEVENS CONSTRUCTION (NSW) PTY LIMITED (IN LIQUIDATION)
ACN 121 684 348 / ABN 65 121 684 348 ("The Company")

We refer to previous correspondence regarding the Company and provide herein an update.

1. LIQUIDATION OVERVIEW

As you are aware, Andrew Cummins, Jonathon Keenan and myself were appointed Joint and Several Administrators of the Company on 27 May 2024. At the Second Meetings of the Creditors held on 2 July 2024 pursuant to Section 439A of the Corporations Act 2001 ("the Act"), the Company was placed into Liquidation, and we were appointed Joint and Several Liquidators.

As Liquidators, our primary duties are to realise assets, investigate the affairs of the Company and its officers, and pursue recoveries for the benefit of creditors.

We will also write to you within three (3) months of our appointment advising on the timing and estimated quantum of a dividend being paid and further information on the progress of the Liquidation.

There remains further work to be completed regarding the recovery of the assets of the Company, in particular negotiations with Principals who contracted with the Company to perform building works. As previously reported, the estimated return to creditors is contingent on these recoveries. We encourage all creditors who have not already done so, to register their claims against the Company by submitting a Formal Proof of Debt form on the Portal set up for this matter, together with relevant supporting documentation. To submit a POD, please login into the Creditor Portal: https://exad.com.au/bri/stevensconstruction using your Creditor ID and Passcode and proceed with the 'Register your debt' option on the Creditor Dashboard. If you have not received these details or have lost your login details, please contact Zachary George of this office on (02) 8263 2362 or email to zgeorge@brifnsw.com.au.

2. EMPLOYEE CLAIMS – FAIR ENTITLEMENTS GUARANTEE SCHEME

As the Company is now in Liquidation and there are sufficient funds to meet outstanding employee entitlements immediately, the former/current employees of the Company need not make a claim under the Fair Entitlements Guarantee scheme ("FEG") to the Department of Employment and Workplace Relations ("the Department") in respect of outstanding entitlements.

3. DECLARATION OF INDEPENDENCE, RELEVANT RELATIONSHIPS AND INDEMNITIES

We refer to our Declaration of Independence, Relevant Relationships and Indemnities enclosed with our First Report to Creditors dated 29 May 2024 and note that there are no updates required to same.

4. OTHER MATTERS

Pursuant to Clauses 70-40, 70-45, 75-15, 85-5, 90-24 and 90-35 of the Insolvency Practice Schedule (Corporations) and Rule 70-30 of the Insolvency Practice Rules (Corporations) 2016, we are required to give certain information to creditors as to their rights in the administration. Accordingly, we attach as **Annexure "1"** further information regarding "Creditor Rights in Liquidations".

Previously attached to our Second Report was an ASIC information sheet entitled "Insolvency information for directors, practitioners, employees, creditors and investors". This publication provides basic information about the different types of external administrations, including Liquidation, and reference to further sources of information available on the ASIC website at www.asic.gov.au.

Please note that we are not required to publish notices in the print media. ASIC maintains an online notices page for external administrators to publish notices in respect of an administration. Creditors are encouraged to visit http://insolvencynotices.asic.gov.au throughout the liquidation to view any notices which may be published by the Liquidators in respect of the Company.

These notices include:

- notices relating to appointments;
- notices of meetings of creditors; or
- notices calling for proofs of debt and intention to declare dividends.

Should you have any further queries in this matter, please contact Ms Sushma Mandira of this office on (02) 8263 2322 or email to smandira@brifnsw.com.au.

Yours faithfully
STEVENS CONSTRUCTION (NSW) PTY LIMITED (IN LIQUIDATION)

PETER KREJCI
Joint and Several Liquidator

Encl.

Annexure "1"

Creditor Rights in Liquidations

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

Right to request a meeting → Right to request information → Right to give directions to liquidator → Right to appoint a reviewing liquidator → Right to replace liquidator

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 ≥ 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
- ≥ 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:

Meeting request	Information and notice	Resolution at meeting
A meeting must be reasonably requested by the required number of creditors. Creditors must inform the existing liquidator of the purpose of the request for the meeting.	Creditors must determine who they wish to act as the new liquidator (this person must be a registered liquidator) and obtain: ▪ Consent to Act, and ▪ Declaration of Independence, Relevant Relationships and Indemnities (DIRRI). The existing liquidator will send a notice of the meeting to all creditors with this information.	If creditors pass a resolution to remove a liquidator, that person ceases to be liquidator once creditors pass a resolution to appoint another registered liquidator.

For more information, go to www.arita.com.au/creditors.
Specific queries about the liquidation should be directed to the liquidator's office.