

22 June 2023

CIRCULAR TO CREDITORS

Dear Sir / Madam

**WBHO Australia Pty Ltd ACN 095 983 681 and certain subsidiaries listed in Appendix A
(all Subject to Deed of Company Arrangement)
(Probuild Group or Companies)**

Application to amend the Deed of Company Arrangement

I refer to our previous correspondence with respect to the voluntary administration of the entities listed in Appendix A and to the circular to creditors dated 1 June 2023 and issued 2 June 2023 (**1 June Circular**). Unless otherwise defined capitalised terms in this circular have the meaning given to them in the 1 June Circular.

The purpose of this circular is to provide an update to creditors regarding the DBC Application and the Deed Administrators' Application in Queensland Supreme Court Proceedings No BS4023 of 2023 (**Queensland Proceedings**).

Adjournment of the Hearing Date

Since the 1 June Circular, the deed administrators have received correspondence from both the solicitors for another creditor (**Werribee Claimant**) with a potentially insured claim against the Company (the **Werribee Claim**), and the solicitors for WBHO Construction (Pty) Ltd, the DOCA proponent (**Proponent**). Both the Werribee Claimant and the Proponent now wish to be heard in relation to the Queensland Proceedings.

Following conferral between the parties, the parties agreed to adjourn the Hearing Date to 1 September 2023 (**Revised Hearing Date**). The parties agreed an adjournment was necessary to:

- 1 allow further time for the parties to confer regarding the substance of the Queensland Proceedings and potential amendments to the DOCA;
- 2 allow further time for other interest parties to come forward and seek to be heard in the Queensland Proceedings; and
- 3 allow sufficient time for the parties to prepare before the Revised Hearing Date.

Orders made in the Queensland Proceedings

On 13 June 2023, the parties attended a review hearing before the Hon Justice Hindman. On 20 June 2023, Hindman J made orders setting out a revised timetable for the Queensland Proceedings, a copy of these orders as agreed between the parties is included in **Appendix B** to this circular (**Orders**). The

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substantive hearing is now listed on 1 September 2023. We will upload a copy of the extracted orders when they are provided by the Court.

Appearances by creditors

In particular, the deed administrators wish to draw creditors' attention to order 3 of the Orders. This order states:

By 4pm on 30 June 2023, any party who wishes to be heard in relation to the applicants' originating application dated 31 March 2023 or any further amended originating application, or in relation to the first and second respondents' interlocutory application dated 7 June 2023 or any amended interlocutory application, is to file a notice of appearance in the proceeding as a further respondent.

Therefore, if you wish to be heard in relation to the Queensland Proceedings, you will need to file a notice of appearance by no later than **4pm on 30 June 2023**. If you do not do so, the Court may make orders that may impact you, even in your absence. Before choosing to file a notice of appearance, the deed administrators strongly recommend taking independent legal advice.

Creditors' views

If creditors do not wish to file a notice of appearance, but still wish to express their views on the Queensland Proceedings, they are encouraged to email the deed administrators at probuid1@deloitte.com.au as soon as possible, and in any event, by no later than 4pm AEST on 30 August 2023.

The deed administrators will provide the court with a summary of the correspondence received from creditors at the Revised Hearing Date, and provide an update to creditors after the Revised Hearing Date.

Further queries

In the event you have any queries regarding the contents of this circular, or the administration in general, please do not hesitate to contact us at probuid1@deloitte.com.au.

Yours faithfully



Sal Algeri

Joint and Several Deed Administrator

Appendix A – List of companies in deed administration

Appendix B – Minute of orders dated 20 June 2023

Appendix A – Entities subject to Deed of Company Arrangement

Company	ACN
ACN 098 866 794 Pty Ltd	ACN 098 866 794
Contexx Holdings Pty Ltd	ACN 144 707 022
Contexx Pty Ltd	ACN 147 249 796
Monaco Hickey Pty Ltd	ACN 144 945 611
Northcoast Holdings Pty Ltd	ACN 009 296 780
PCA (QLD) Pty Ltd	ACN 141 148 245
Probuild Civil Pty Ltd	ACN 010 870 587
Probuild Constructions (Aust) Pty Ltd	ACN 095 250 945
Probuild Constructions (NSW) Pty Ltd	ACN 165 675 874
Probuild Constructions (QLD) Pty Ltd	ACN 166 966 034
Probuild Constructions (VIC) Pty Ltd	ACN 165 675 865
Probuild Constructions (WA) Pty Ltd	ACN 165 676 095
Prodev Investments 4 Pty Ltd	ACN 629 246 653
Prodev Murphy Pty Ltd	ACN 120 758 803
WBHO Australia Pty Ltd	ACN 095 983 681
WBHO Construction Australia Pty Ltd	ACN 149 901 931