

9 February 2021

NOTICE TO UNSECURED PRIORITY CREDITORS

Dear Sir / Madam

**RE: FORCE CORP PTY LIMITED (IN LIQUIDATION)
ACN 109 630 079
(the Company)**

1. Preliminaries

I refer to the appointment of Vaughan Strawbridge and myself as Administrators and subsequently Liquidators of the Company on 13 July 2015 and 23 November 2015 respectively.

Prior to the declaration of a dividend to eligible unsecured priority creditors which includes monies advanced to employees via the Fair Entitlements Guarantee Scheme, it was necessary for the Liquidators to seek directions from the Court regarding whether Lease Collateral Pty Ltd has an unsecured priority creditor claim in the winding up. Directions were subsequently provided by the Court on 17 December 2020 in which the Liquidators are now in a position to declare a first and final dividend to certain classes of unsecured priority creditors of the Company in accordance with Section 556 of the Corporations Act 2001 (Cth) (**Act**).

Please note creditors who have received this notification are eligible to participate in the priority creditor distribution.

2. Intention to Declare a First and Final Dividend to Priority Creditors

Please find attached at **Annexure A**, Form 548, which advises of our intention to declare a first and final dividend to unsecured priority creditors of the Company pursuant to Section 556 of the Act on or before 31 March 2021.

It is expected that the following amounts will be distributed to eligible unsecured priority creditors of the Company:

- i. a dividend will be paid in full for outstanding pre-appointment wages and superannuation including an unsecured priority claim by Lease Collateral Pty Ltd (Section 556(1)(e) claimants);
- ii. a dividend of less than 100 cents in the dollar will be paid for annual leave; leave loading and long service leave employee entitlements (Section 556(1)(g) claimants); and

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited ("DTTL"), its global network of member firms, and their related entities (collectively, the "Deloitte organisation"). DTTL (also referred to as "Deloitte Global") and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte is a leading global provider of audit and assurance, consulting, financial advisory, risk advisory, tax and related services. Our global network of member firms and related entities in more than 150 countries and territories (collectively, the "Deloitte organisation" serves four out of five Fortune Global 500® companies. Learn how Deloitte's approximately 312,000 people make an impact that matters at www.deloitte.com.

Liability limited by a scheme approved under Professional Standards Legislation.

Member of Deloitte Asia Pacific Limited and the Deloitte organisation.

- iii. all other entitlements relating to payment in lieu of notice and redundancy are not likely to be paid a dividend (Section 556(1)(h) claimants).

Please note that the first and final dividend for superannuation outstanding as at 13 July 2015 will be paid to the Australian Taxation Office (**ATO**), who will then distribute the funds into nominated superannuation funds. It is recommended employees owed superannuation liaise directly with the ATO to ensure they have your current superannuation fund details on record. The contact number for the ATO superannuation department is 13 10 20.

3. Unsecured priority creditor claims that have not been adjudicated

The Liquidators have previously written to all known unsecured priority creditors advising of our adjudication of their respective claims.

Please note that if the Liquidators have not previously adjudicated on your claim, you will be required to complete and submit a Form 535 'Formal Proof of Debt or Claim Form' (**Proof of Debt Form**) with details of your claim as a matter of urgency by **no later than close of business, 26 February 2021.** A Proof of Debt Form is attached as **Annexure B**.

The Proof of Debt Form can be submitted by email to forcecorp@deloitte.com.au or by post to Force Corp Pty Limited (In Liquidation), c/- Deloitte Financial Advisory Pty Ltd, PO Box N250, Grosvenor Place, Sydney NSW 1220.

Please note this is the final opportunity for you to submit your unsecured priority creditor claim, prior to the declaration and payment of the first and final dividend to unsecured priority creditors.

In the meantime, should you have any further questions, please contact **Shannon Brass** on (02) 9322 7601 or by email at forcecorp@deloitte.com.au.

Yours faithfully,



David John Frank Lombe
Joint and Several Liquidator
Encl.

Annexure A

FORM 548

Subregulation 5.6.65(1)

Corporations Act 2001

NOTICE OF INTENTION TO DECLARE A FIRST AND FINAL DIVIDEND

**FORCE CORP PTY LIMITED
(IN LIQUIDATION)
ACN 109 630 079**

A first and final dividend to eligible unsecured priority creditors is to be declared on or before 31 March 2021 for the company.

Creditors whose debts or claims have not already been admitted are required on or before 26 February 2021 to formally prove their debts or claims. If they do not they will be excluded from the benefit of the dividend.

DATED this 9th day of February 2021.



David John Frank Lombe
Joint and Several Liquidator

Deloitte Financial Advisory Pty Ltd
Grosvenor Place
225 George Street
SYDNEY NSW 2000

Annexure B

FORM 535
CORPORATIONS ACT 2001

ACN 109 630 079

Subregulation 5.6.49(2)

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Joint and Several Liquidators of Force Corp Pty Ltd (In Liquidation)

1. This is to state that the company was, on 23 November 2015 ⁽¹⁾ and still is, justly and truly indebted to⁽²⁾ (full name):

.....
(‘Creditor’)

.....
of (full address)

for \$ dollars and cents.

Particulars of the debt are:

Date	Consideration ⁽³⁾ state how the debt arose	Amount \$	GST included \$	Remarks ⁽⁴⁾ 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 manner of satisfaction or security for the sum or any part of it except for the following:

Insert particulars of all securities held. Where the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, specify them in a schedule in the following form:

Date	Drawer	Acceptor	Amount \$ c	Due Date

I am **not** a related creditor of the Company ⁽⁵⁾

I am a related creditor of the Company ⁽⁵⁾
relationship: _____

If the form is being used for the purpose of voting at a meeting:

Is the debt you are claiming assigned to you? No Yes

If yes, attach written evidence of the debt, the assignment and consideration given. Attached

If yes, what value of consideration did you give for the assignment (eg, what amount did you pay for the debt?) \$ _____

3A.^{(6)*} 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, still remains unpaid and unsatisfied.

3B.^{(6)*} I am the creditor's agent authorised to make this statement in writing. I know that the debt was incurred and for the consideration stated and that the debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

DATED this day of 2021

Signature of Signatory

NAME IN BLOCK LETTERS

Occupation

Address.....

See Directions overleaf for the completion of this form

OFFICE USE ONLY

POD No:		ADMIT (Voting / Dividend) - Ordinary	\$
Date Received:	/ /	ADMIT (Voting / Dividend) - Preferential	\$
Entered into CORE IPS:		Reject (Voting / Dividend)	\$
Amount per ROCAP	\$	Object or H/Over for Consideration	\$
Reason for Admitting / Rejection			
PREP BY/AUTHORISED		TOTAL PROOF	\$
DATE AUTHORISED	/ /		

Proof of Debt Form Directions

- * Strike out whichever is inapplicable.
- (1) Insert date of Court Order in winding up by the Court, or date of resolution to wind up, if a voluntary winding up.
- (2) Insert full name and address (including ABN) 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.
- (3) Under "Consideration" state how the debt arose, for example "goods sold and delivered to the company between the dates of", "moneys advanced in respect of the Bill of Exchange".
- (4) Under "Remarks" include details of vouchers substantiating payment.
- (5) Related Party / Entity: Director, relative of Director, related company, beneficiary of a related trust.
- (6) If the Creditor is a natural person and this proof is made by the Creditor personally. In other cases, if, for example, you are the director of a corporate Creditor or the solicitor or accountant of the Creditor, you sign this form as the Creditor's authorised agent (delete item 3A). If you are an authorised employee of the Creditor (credit manager etc), delete item 3B.

Annexures

- A. If space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, the information must be set out in an annexure.
- B. An annexure to a form must:
 - (a) have an identifying mark;
 - (b) and be endorsed with the words:
 - i) "This is the annexure of *(insert number of pages)* pages marked *(insert an identifying mark)* referred to in the *(insert description of form)* signed by me/us and dated *(insert date of signing)*; and
 - (c) be signed by each person signing the form to which the document is annexed.
- C. The pages in an annexure must be numbered consecutively.
- D. If a form has a document annexed the following particulars of the annexure must be written on the form:
 - (a) the identifying mark; and
 - (b) the number of pages.
- E. A reference to an annexure includes a document that is with a form.