



IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV/2023/2024

EX PARTE:

**Sean HOLMES as trustee of the WBHOI  
CREDITORS TRUST (ABN 70 402 125 406) -  
and-**

First Plaintiff by Ex Parte

**Salvatore ALGERI as trustee of the WBHOI  
CREDITORS TRUST (ABN 70 402 125 406) -  
and-**

Second Plaintiff by Ex Parte

**Jason TRACY as trustee of the WBHOI  
CREDITORS TRUST (ABN 70 402 125 406) -  
and-**

Third Plaintiff by Ex Parte

**David ORR as trustee of the WBHOI  
CREDITORS TRUST (ABN 70 402 125 406)**

Fourth Plaintiff by Ex Parte

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**ORDERS OF THE HONOURABLE JUSTICE COBBY  
MADE ON 12 SEPTEMBER 2024**

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**UPON THE APPLICATION of the plaintiffs by originating summons dated 26 August 2024 AND UPON HEARING Mr W C J Zappia of counsel for the plaintiffs, IT IS ORDERED THAT:**

1. Pursuant to section 63 of the Trustees Act 1925 (NSW), the plaintiffs in their capacities as joint and several trustees of the WBHOI Creditors' Trust are justified in admitting for the amount of \$163,190,884.34 the proof of debt dated 30 April 2024 submitted by Probuild Construction (Aust) Pty Ltd (subject to deed of company arrangement) (ACN 095 250 945).
2. The plaintiffs' costs of and incidental to this application be paid out of the property of the WBHOI Creditors' Trust.

BY THE COURT

THE HONOURABLE JUSTICE G COBBY