

Circular to Creditors

29 April 2024

Dear Sir/Madam

Abra Mining Pty Limited (Administrators Appointed)
ACN 110 233 577 ('the Company')
Formerly trading as Abra Mining

I refer to the appointment of Robert Hutson and I, Richard Tucker, as Joint and Several Voluntary Administrators ('Administrators') of the Company on 4 April 2024.

As advised at the first meeting of creditors on 16 April 2024, the Administrators have made an application to the Supreme Court of Western Australia under sections 439A(6) and 447A of the Corporations Act 2001 (Cth) for an extension to the convening period by four months.

The details of the hearing are set out below:

Supreme Court of Western Australia
David Malcolm Justice Centre, 28 Barrack Street, Perth WA 6000

Date	Time	Matter Title	Matter No.
30 April 2024	9:45am	RICHARD SCOTT TUCKER AND ROBERT WILLIAM HUTSON IN THEIR CAPACITIES AS JOINT AND SEVERAL ADMINISTRATORS OF ABRA MINING PTY LTD	PER COR 68 2024

A copy of the originating application filed with the Court on 24 April 2024 is enclosed.

Please contact Matthew White of this office on (08) 9220 9393 or by email at matthewwhite@kordamentha.com if you have any questions.

Yours faithfully



Robert Hutson
Administrator

IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 68 of 2024

IN THE MATTER OF ABRA MINING PTY LIMITED (ADMINISTRATORS
APPOINTED) (ACN 110 233 577)

EX PARTE

**Richard Scott TUCKER as joint
and several administrator of
ABRA MINING PTY LIMITED
(ADMINISTRATORS APPOINTED)
(ABN 110 233 577)**

First named First Plaintiff

-and-

**Robert William HUTSON as joint
and several administrator of
ABRA MINING PTY LIMITED
(ADMINISTRATORS APPOINTED)
(ACN 110 233 577)**

Second named First Plaintiff

-and-

**ABRA MINING PTY LIMITED
(ADMINISTRATORS APPOINTED)
(ACN 110 233 577)**

Second Plaintiff



ORIGINATING PROCESS PURSUANT TO CORPORATIONS LAW

Date of Document: 24/04/2024
Filed on Behalf of: The Plaintiffs
Date of Filing: 24/04/2024

Prepared By:
Clayton Utz
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250 St Georges Tce

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FILED

24 APR 2024
Via eLodgment
**CENTRAL OFFICE
SUPREME COURT**

PERTH WA 6000
Australia

A. DETAILS OF APPLICATION

This application is made under sections 447A and 439A(6) of the Corporations Act 2001 (Cth) (Act).

This is an application for orders to extend the time within which the First Plaintiffs are to convene the second meeting of creditors of the Second Plaintiff pursuant to section 439A(6) of the Act.

On the facts stated in the supporting affidavit(s), the plaintiff claims:

1. Pursuant to section 439A(6) of the Act, the convening period as defined in section 439A(5)(b) of the Act as it applies to the Second Plaintiff is extended by a period of four (4) months.
2. Pursuant to section 447A(1) of the Act, Part 5.3A of the Act is to operate in relation to the Second Plaintiff as if the second meeting of creditors of the Second Plaintiff required by section 439A of the Act can be held at any time during, or within five (5) business days after the end of, the convening period as extended by order 1 above, notwithstanding the provisions of sections 439A(2) of the Act.
3. Any application for access pursuant to Order 67B rule 11 of the *Rules of the Supreme Court 1971* (WA) to inspect the confidential affidavit of Richard Scott Tucker sworn 24 April 2024 and filed in these proceedings on 24 April 2024, and the annexures referred to therein:
 - (a) be referred to the Court; and
 - (b) not be determined until notice of the application is given to the deponent, by his solicitor, and the deponent has reasonable opportunity to be heard in opposition to the application for inspection.

4. Within two (2) business day of the making of these orders, the First Plaintiffs take steps to cause notice of these orders to be given to:
 - (a) the creditors (including persons claiming to be creditors) of the Second Plaintiff by publishing on www.kordamentha.com/creditors and emailing creditors and if any responses are received, the Administrators will provide a summary to the Court at the hearing of this Application;
 - (b) the Australian Securities and Investments Commission, by sending an email to legal.documents.service@asic.gov.au;
 - (c) Fair Entitlements Guarantee, by sending an email to feg@dewr.gov.au; and
 - (d) the Australian Taxation Office, by sending an email to ip.legal@asic.gov.au.
5. Liberty is granted to any person who can demonstrate sufficient interest to modify or discharge the orders made pursuant to this application on not less than 48 hours' notice to the Plaintiffs.
6. The Plaintiffs' costs of this application be treated as costs in the administration of the Second Plaintiff, to be paid from the assets of the Second Plaintiff.
7. Such further orders as this Honourable Court thinks fit.

Date: 24/04/2024

Clayton Utz

This application will be heard by a Master in Chambers at the Supreme Court of Western Australia in Perth.

B. NOTICE TO DEFENDANT(S) (IF ANY)

TO:

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As

soon after that time as the business of the Court will allow, any of the following may happen —

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. APPLICATION FOR WINDING-UP ON GROUND OF INSOLVENCY

D. FILING

Date of filing: 24/04/2024

This originating process is filed by **Clayton Utz** for the plaintiff.



E. SERVICE

The plaintiff's address for service is -

Clayton Utz
Level 27, QV 1 Building
250 St Georges Tce
PERTH WA 6000
Australia

It is not intended to serve a copy of this originating process on any person.

[Form 2 amended in Gazette 13 Feb 2009 p. 308.]



**SUPREME COURT
OF WESTERN AUSTRALIA**

ABN: 70 598 519 443
DAVID MALCOLM JUSTICE CENTRE
28 BARRACK STREET
PERTH WA 6000
TELEPHONE: 9421 5333
FACSIMILE: 9421 5353

**TUCKER & Ors
SUPREME COURT MATTER No. PER COR 68 of 2024**

This application has been listed for Tuesday, 30 April 2024 at 09:45 AM at the Supreme Court, David Malcolm Justice Centre, 28 Barrack Street, PERTH.

All parties are required to attend the hearing date unless otherwise advised.

Issued by the Supreme Court of Western Australia
26 Apr 2024

