

CIRCULAR TO CREDITORS

12 June 2024

Dear creditors,

Abra Mining Pty Ltd (Administrators Appointed)
ACN 110 233 577 ('the Company')

I refer to the appointment of Richard Tucker and I as administrators of the Company on 4 April 2024.

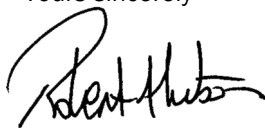
As discussed at the first meeting of creditors, the Administrators have obtained a standby loan facility to support the ongoing trading of the Company's lead-silver mine.

As is usual practice, the Administrators have filed an application with the Supreme Court of Western Australia seeking orders limiting their personal liability in relation to the loan facility.

A copy of the interlocutory process files with the Court is enclosed.

Should you have any queries in relation to the above or enclosed, please email
abra-mining@kordamentha.com.

Yours sincerely



Robert Hutson
Administrator

Enc.

IN THE SUPREME COURT OF WESTERN AUSTRALIA
AT PERTH

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 voluntary administrator of
ABRA MINING PTY LIMITED (ADMINISTRATORS APPOINTED)
(ACN 110 233 577)

First named First Plaintiff

and

ROBERT WILLIAM HUTSON as joint and several voluntary 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

INTERLOCUTORY PROCESS

Date of Document: 11 June 2024

Date of Filing: 11 June 2024

Filed on behalf of: The Plaintiffs

Prepared by:
Clayton Utz
Level 27, QV1 Building
250 St Georges Terrace
PERTH WA 6000

Telephone: 9426 8000
Facsimile: 9481 3095
Reference: 81038340

A. DETAILS OF APPLICATION

This application is made under section 447A of the *Corporations Act 2001* (Cth) (**Act**).

FILED

11 JUN 2024

Via eLodgment
L353296190.4
CENTRAL OFFICE
SUPREME COURT

This is an application for orders to relieve the First Plaintiffs from any personal liability in respect of debts or liabilities arising out of, or in connection with, any obligations under the Loan Agreement (as defined below) pursuant to section 447A of the Act.

On the facts stated in the supporting affidavits of Richard Scott Tucker sworn on 24 April 2024 (**First Tucker Affidavit**), 29 April 2024 (**Second Tucker Affidavit**), and 11 June 2024 (**Third Tucker Affidavit**) and in the confidential affidavits of Richard Scott Tucker sworn on 24 April 2024 (**First Confidential Tucker Affidavit**) and 11 June 2024 (**Second Confidential Tucker Affidavit**), the Plaintiffs apply for the following relief:

1. An order pursuant to s 447A of the Act, that Part 5.3A of the Act is to operate as if section 443A(1) of the Act is modified to provide that any debts or liabilities of the First Plaintiffs incurred under a funding agreement with Taurus Mining Finance Fund No. 2 L.P. and the Second Plaintiff dated 11 June 2024, under section 443E(5) of the Act, to support the working capital needs and administration costs of the Second Plaintiff (**Loan Agreement**) (including but not limited to monies borrowed, interest in respect of monies borrowed and borrowing costs) are in the nature of debts incurred by the First Plaintiffs in performance and exercise of their functions and powers as joint and several voluntary administrators of the Second Plaintiff, such that any liability arising against the First Plaintiffs in relation to the Loan Agreement is limited solely to the assets of the Second Plaintiff.
2. An order pursuant to section 447A of the Act, that the operation of section 443A(1) of the Act is modified, insofar as it applies to any liability of the First Plaintiffs (in their capacities as joint and several administrators of the Second Plaintiff) pursuant to the Loan Agreement, so that if the indemnity of the First Plaintiffs under section 443D of the Act from the Second Plaintiff is insufficient to meet any amount for which the First Plaintiffs might be liable arising out of or in connection with the Loan Agreement, then the First Plaintiffs will not be personally liable to repay any such amount to the extent of the insufficiency.
3. An order pursuant to Order 67B, rule 5 of the *Rules of the Supreme Court 1971* (WA) (**RSC**), that until further order, the confidential affidavit of Richard Scott Tucker sworn on 11 June 2024 filed on 11 June 2024 and the annexures to it (**Second Confidential Tucker Affidavit**), be restricted to all persons except judicial officers and staff of the Court for the purpose of their employment, the Plaintiffs and their legal advisers, on the basis it contains information that is confidential.
4. An order pursuant to Order 67B rule 11 RSC, that any application for access to the Second Confidential Tucker Affidavit:
 - (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.

5. An order that within two (2) business day of the making of these orders, the First Plaintiffs are 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;
 - b. the Australian Securities and Investments Commission, by sending an email to RL.Legal@asic.gov.au; and
 - c. Commonwealth Department of Employment and Workplace Relations, by sending an email to feg@dewr.gov.au.
6. An order that liberty is granted to any person who can demonstrate sufficient interest to apply to modify or discharge these orders on not less than 48 hours' notice to the Plaintiffs.
7. An order that 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.
8. Such further orders as this Honourable Court thinks fit.

Date: 11/06/2024



A Fleming

Alistair Fleming

Clayton Utz

Solicitors for the Plaintiffs

This application will be heard by the Supreme Court of Western Australia at the David Malcolm Justice Centre, 28 Barrack Street, Perth, Western Australia.

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

TO: N/A

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.

Before appearing before the Court, you must, except if you have already done so or you are the Plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the Plaintiff in the originating process.

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. FILING

This interlocutory process is filed by Clayton Utz for the applicants.

D. SERVICE

The applicants' address for service is Clayton Utz, Level 27, QV1 Building, 250 St Georges Terrace, Perth WA 6000.

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





**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 Thursday, 27 June 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
12 Jun 2024

