



Federal Court of Australia

District Registry: Western Australia

Division: General

No:

IN THE MATTER OF AURORA METALS LIMITED (ADMINISTRATORS APPOINTED) (ACN 126 634 606) AND OTHERS NAMED IN THE SCHEDULE (COMPANIES)

RICHARD SCOTT TUCKER, ANTHONY JAY EDWARD MISKIEWICZ AND DAVID CHRISTOPHER OSBORNE IN THEIR CAPACITY AS JOINT AND SEVERAL VOLUNTARY ADMINISTRATORS OF THE COMPANIES named in the Schedule
Plaintiffs

ORDER

JUDGE: JUSTICE FEUTRILL

DATE OF ORDER: 30 June 2023

WHERE MADE: Perth

THE COURT ORDERS THAT:

1. Pursuant to section 447A of the *Corporations Act 2001* (Cth), Part 5.3A of the Act operate as if section 443A(1) of the *Act* be modified to provide that any debts or liabilities of the plaintiffs incurred with respect to any obligations arising out of or in connection with a loan facility agreement between Avior Asset Management Pty Ltd (ACN 653 778 431), as lender, and the plaintiffs, as borrowers, made on the terms of the draft loan facility agreement annexed to the affidavit of Mr Richard Scott Tucker sworn 30 June 2023 and marked 'RST-13' (**Loan Agreement**) (including but not limited to monies borrowed, interest in respect of monies borrowed and borrowing costs, fees and indemnities) be in the nature of debts incurred by the plaintiffs in the performance and exercise of their functions and powers as joint and several voluntary administrators of the companies named in the schedule to these orders (**Group Companies**).



2. Pursuant to section 447A of the Act, operation of section 443A(1) of the Act be modified, insofar as it applies to any liability of the plaintiffs (in their capacities as joint and several administrators of the Group Companies) pursuant to the Loan Agreement, so that if the indemnity of the plaintiffs under section 443D of the Act from the Group Companies be insufficient to meet any amount for which the plaintiffs might be liable arising out of or in connection with the Loan Agreement, then the plaintiffs will not be personally liable to repay any such amount to the extent of the insufficiency.
3. The plaintiffs take steps to cause notice of these orders to be given, within one business days of making these orders to: (a) the creditors (including persons claiming to be creditors) of the Group Companies in the following manner: (i) where the plaintiffs have an email address for a creditor, by notifying each such creditor, via email of the making of the orders; (ii) where the plaintiffs do not have an email address, by publishing the orders on the website maintained by the plaintiffs, and (b) the Australian Securities and Investments Commission, by its email address.
4. The costs of the plaintiffs originating process in respect of the orders made in paragraphs 1 – 3 of these orders be treated as costs in the voluntary administration of the Group Companies.
5. Any person who demonstrates a sufficient interest to vary or discharge orders 1 - 4 above (including any creditor of the Group Companies) have liberty to apply to the Court on two business days' written notice to the plaintiffs.
6. The relief sought in paragraphs 1 and 2 of the plaintiffs' originating process be stood over and listed for further hearing on 4 July 2023 at 10.15am (AWST).

Date that entry is stamped: 30 June 2023

Sia Lagos
Registrar



Schedule

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AUCTUS CHILLAGOE HOLDINGS PTY LTD (ADMINISTRATORS APPOINTED)
(ACN 605 053 610)

AUCTUS MINERALS PTY LTD (ADMINISTRATORS APPOINTED) (ACN 602 411
852)

CTM ALLUVIAL MINING PTY LTD (ADMINISTRATORS APPOINTED) (ACN 137
305 947)

SURVEYOR MINING PTY LTD (ADMINISTRATORS APPOINTED) (ACN 601 108
776)

COLINACOBRE PTY LTD (ADMINISTRATORS APPOINTED) (ACN 601 312 207)

AUCTUS CHILLAGOE PTY LTD (ADMINISTRATORS APPOINTED) (ACN 605 055
285)

AUCTUS RESOURCES PTY LTD (ADMINISTRATORS APPOINTED) (ACN 136 606
338)

NYNGAN GOLD PTY LTD (ADMINISTRATORS APPOINTED) (ACN 154 650 585)

VISION EXPLORATION PTY LTD (ADMINISTRATORS APPOINTED) (ACN 161
881 018)

TWILIGHT EXPLORATION PTY LTD (ADMINISTRATORS APPOINTED) (ACN 161
880 995)

THESAURUS EXPLORATION PTY LTD (ADMINISTRATORS APPOINTED) (ACN
163 781 342)