

Circular to Creditors

3 July 2024

Dear Sir/Madam

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

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 and to our circular to creditors dated 12 June 2024.

Please find attached copies of the orders made by the Court on 27 June 2024.

Please contact Aaron Swaffield of this office on (07) 3338 0222 or by email at aswaffield@kordamentha.com if you have any questions.

Yours faithfully



Robert Hutson
Administrator

Enc.



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/68/2024

EX PARTE:

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

Plaintiffs

**ORDERS OF MASTER RUSSELL
MADE ON 27 JUNE 2024**

**UPON THE EX PARTE APPLICATION of the plaintiffs by interlocutory
process filed on 11 June 2024 (Application) AND UPON HEARING Mr P Edgar
SC on behalf of the plaintiffs, IT IS ORDERED THAT:**

Limitation of the plaintiffs' liability

1. Pursuant to section 447A of the Corporations Act 2001 (Cth) (Act), 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. Pursuant to section 447A of the Act, 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.

Confidential affidavit

3. Pursuant to Order 67B, rule 5 of the Rules of the Supreme Court 1971 (WA) (RSC) and until further order, on the basis it contains information that is confidential, 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:
 - (a) judicial officers and staff of the Court for the purpose of their employment;
 - (b) the plaintiffs and their legal advisers; and
 - (c) the Legal Department of the Australian Securities and Investments Commission (ASIC).
4. Any application for access to the Second Confidential Tucker Affidavit pursuant to Order 67B rule 11 RSC:
 - (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.

Notice

5. 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) ASIC, 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.

Liberty to apply

6. 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.

Costs

7. 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.

BY THE COURT

MASTER S RUSSELL