Insolvency Practice Rules

75-10-75-35

Corporations Act 2001

NOTICE OF CONCURRENT MEETING OF CREDITORS

B A MURPHY CONSTRUCTIONS PTY LTD ACN 612 803 139
B A MURPHY CONSTRUCTIONS (NSW) PTY LTD ACN 624 957 875
B A MURPHY CONSTRUCTIONS (VIC) PTY LTD ACN 619 712 935
(ALL IN LIQUIDATION) ("THE COMPANIES")

Notice is now given that a meeting of creditors of the Companies will be held concurrently at **1:00 PM (AEST) Wednesday, 30 November 2022.**

The meeting is being held virtually and all creditors wanting to attend the meeting are required to attend via Zoom.

You must register to attend and vote at the meeting. To register go to this link:

https://forms.office.com/r/9jAt9dW9mE

If you wish to attend the meeting, you must complete the meeting registration form before **1:00 PM (AEST) Tuesday, 29 November 2022.** Once you have registered to attend the meeting and your registration has been processed, a link to register for the Zoom meeting will be sent to you via email.

Although there is no physical place where creditors are able to attend the meeting, I am required under law to nominate a notional place for the meeting for administrative purposes such as establishing the time of the meeting. The notional place for this meeting is FTI Consulting, Level 20, 345 Queen Street, Brisbane, Queensland. **Please do not attend at this location as the meeting will be conducted virtually only.**

The following documents are available to download from the FTI Consulting Creditor Portal:

www.fticonsulting.com/creditors/b-a-murphy-constructions-group

1. Report by Liquidator dated 8 November 2022
2. Liquidators' Remuneration Reports
3. Notice of Meeting
4. Appointment of Proxy Form
5. Formal Proof of Debt or Claim Form

AGENDA

The purpose of the meeting is:

1. to discuss the progress of the Liquidation;
2. to review, consider and if appropriate, approve the Liquidators' current and future remuneration;
3. to consider a proposal to compromise debts greater than $100,000; and
4. to consider any other business properly brought before the meeting.

Should you have any queries in relation to this meeting of creditors, the enclosed documents or the Liquidation generally, please contact this office on (07) 3225 4900 or BAMurphy@fticonsulting.com.

Attending and voting at the meeting

Creditors are not entitled to participate and vote at the meeting unless:

- **Proof of debt:** They have lodged with the Liquidators particulars of the debt or claim and the claim has been admitted, wholly or in part, by the Liquidators. If a proof of debt has already been lodged, they do not need to do so again. Refer to **Note 1** for further guidance on entitlement to vote.
- **Proxies or attendance:** They are either present in person or by electronic facilities (if being made available) or validly represented by proxy, attorney or an authorised person under s250D of *the Corporations Act*. If a corporate creditor or represented, a proxy form, power of attorney or evidence of appointment of a company representative pursuant to Section 250D of the *Corporations Act 2001* ("the Act") must be validly completed and provided to the Liquidators at or before the meeting].

To enable sufficient time to review, proofs of debt and proxies (or document authorising the representation) should be submitted to this office at BAMurphy@fticonsulting.com by no later than **1:00 PM (AEST) on Tuesday 29 November 2022**. If you choose to return these documents, please allow sufficient time for the documents to be received prior to the due date.

Dated 8 November 2022

Yours faithfully

Ben Campbell

Liquidator

NOTE 1: ENTITLEMENT TO VOTE AND COMPLETING PROOFS

IPR (Corp) 75-85 Entitlement to vote at meetings of creditors

1) A person other than a creditor (or the creditor's proxy or attorney) is not entitled to vote at a meeting of creditors.
2) Subject to subsections (3), (4) and (5), each creditor is entitled to vote and has one vote.
3) A person is not entitled to vote as a creditor at a meeting of creditors unless:
   a) his or her debt or claim has been admitted wholly or in part by the external administrator; or
   b) he or she has lodged, with the person presiding at the meeting, or with the person named in the notice convening the meeting as the person who may receive particulars of the debt or claim:
      i) those particulars; or
      ii) if required—a formal proof of the debt or claim.
4) A creditor must not vote in respect of:
   a) an unliquidated debt; or
   b) a contingent debt; or
   c) an unliquidated or a contingent claim; or
   d) a debt the value of which is not established;
   unless a just estimate of its value has been made.
5) A creditor must not vote in respect of a debt or a claim on or secured by a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor unless he or she is willing to do the following:
   a) treat the liability to him or her on the instrument or security of a person covered by subsection (6) as a security in his or her hands;
   b) estimate its value;
   c) for the purposes of voting (but not for the purposes of dividend), to deduct it from his or her debt or claim.
6) A person is covered by this subsection if:
   a) the person's liability is a debt or a claim on, or secured by, a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor; and
   b) the person is either liable to the company directly, or may be liable to the company on the default of another person with respect to the liability; and
   c) the person is not an insolvent under administration or a person against whom a winding up order is in force.

IPR (Corp) 75-110 Voting on resolutions

7) For the purposes of determining whether a resolution is passed at a meeting of creditors of a company, the value of a creditor of the company who:
   a) is a related creditor (within the meaning of subsection 75-41(4) of the Insolvency Practice Schedule (Corporations)), for the purposes of the vote, in relation to the company; and
   b) has been assigned a debt; and
   c) is present at the meeting personally, by telephone, by proxy or attorney; and
   d) is voting on the resolution;

   is to be worked out by taking the value of the assigned debt to be equal to the value of the consideration that the related creditor gave for the assignment of the debt.