

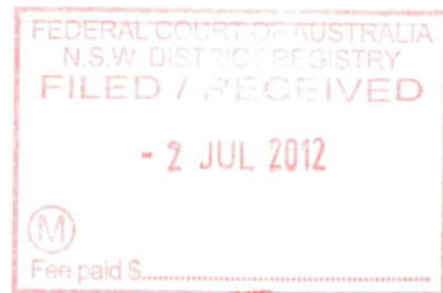
No: (P)NSD808/2012

Federal Court of Australia
District Registry: New South Wales
Division: General

AUSTRALIAN EXECUTOR TRUSTEES LIMITED
Plaintiff

PROVIDENT CAPITAL LIMITED
Defendant

ASIC
Intervener



ORDER

JUDGE: Justice Rares
DATE OF ORDER: 29 June 2012
WHERE MADE: Sydney



THE COURT ORDERS THAT:

1. Pursuant to s 283 HB(1)(c) of the *Corporations Act 2001* (Cth);
 - a. Philip Patrick Carter, Anthony Milton Sims and Marcus William Ayres of PPB Advisory be appointed as joint and several receivers of the property of the defendant secured by the fixed and floating charge dated 11 December 1998 (**the charge**) and comprising the security for the debentures issued by the defendant pursuant to the trust deed dated 11 December 1998 as amended (**the deed**)
 - b. the receivers have all of the powers prescribed by:

Filed by: Plaintiff
Name: Australian Executor Trustees Limited
Address for Service: Henry Davis York
Lawyers
44 Martin Place
Sydney NSW 2000

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Craig Ensor
Partner, Henry Davis York

Legal practitioner with primary conduct

- i. the charge and shall be treated in all respects as if they were appointed under that charge; and
 - ii. s 420 (2) of the *Corporations Act 2001* (Cth)
 - c. until further order the defendant be restrained from paying any money to debenture holders under the trust deed dated 11 December 1998.
2. The defendant pay the plaintiff's costs.
3. Upon the defendant by its Senior Counsel giving to the court the following undertakings:
- a. the usual undertaking as to damages;
 - b. to provide immediate access to the plaintiff and its representatives to all books, records and computer passwords of the defendant;
 - c. not to make any payment to any person or engage in any transactions up to and including 4 pm on 3 July 2012;
 - d. not to destroy any records;

the orders made on 29 June 2012 by Rares J, other than order 1 c, be stayed up to and including 3 July 2012.

Date that entry is stamped:

- 2 JUL 2012



Deputy District Registrar