svpartners
specialist accountants & advisors

Our ref: MJB/BH/2.4

27 March 2018

insolvency
turnaround
forensics
advisory

Dear Sir / Madam

FUTURE URBAN RESIDENTIAL PTY LTD (IN LIQUIDATION)
ACN 611 726 277
(the Company)

I refer to my appointment as Liquidator of the Company.

On 23 March 2018, I received a request from a number of creditors to call a meeting to consider my removal and replacement as Liquidator of the Company. The request to call a meeting was made pursuant to sections 75-15 of the Insolvency Practice Schedule (Corporations) 2016 (IPS-C).

Accordingly, I am calling a meeting of creditors to be held at:

Place: **SV Partners**
5 Hicks Street
SOUTHPORT QLD 4215

Date: **6 April 2018**

Time: **9:00 AM (AEST)**

A notice of meeting of creditors is attached.

Michael Caspaney of Menzies Advisory Pty Ltd has provided a consent to act as Liquidator of the Company, a schedule of rates and a Declaration of Independence, Relevant Relationships and Indemnities. Copies of these documents are attached.

Pursuant to section 90-35 of the IPS-C, creditors may resolve to remove an incumbent external administrator and appoint an alternate external administrator to a company. Accordingly, at the convened meeting, creditors will be asked to vote on the following resolution:

"That Matthew John Bookless be removed as liquidator of Future Urban Residential Pty Ltd and be replaced by Michael Caspaney."

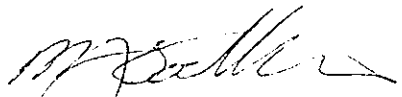
No reasons have been provided to me as to why my replacement is being sought.

In order to vote at the meeting of creditors, a completed Proxy Form (Proxy) and Proof of Debt (POD) must be provided to me one business day prior to the meeting. Proxy and POD forms are attached to this report.

Should you wish to attend the meeting via telephone, please contact Brett Harron of this office on (07) 5503 4964.

If you have any queries or require further information, please contact Brett Harron of this office on (07) 5503 4964 or brett.harron@svp.com.au.

Yours faithfully



MATTHEW JOHN BOOKLESS
LIQUIDATOR

Attachments:
Notice of Meeting of Creditors
Michael Caspaney's Consent to Act
Menzies Advisory Schedule of Rates
Michael Caspaney's Declaration of Independence, Relevant Relationships and Indemnities
Proof of Debt Form
Proxy Form

75-15(1)(c) IPR-C
90-35(2) IPS-C

Corporations Act 2001 (Cth)
Insolvency Practice Schedules (Corporations)
Insolvency Practice Rules (Corporations)

NOTICE OF MEETING OF CREDITORS
FUTURE URBAN RESIDENTIAL PTY LTD (IN LIQUIDATION)
ACN 611 726 277
(the Company)

Notice is given that a meeting of creditors of the Company will be held at SV Partners Gold Coast, 5 Hicks Street, SOUTHPORT QLD 4215 on Friday, 6 April 2018 at 9:00 AM.

AGENDA:

1. to receive and consider a report by the Liquidator;
2. to consider the removal of the Liquidator from office and the appointment of another person as Liquidator;
3. any other business which may be properly brought before the meeting.

Pursuant to section 75-85 *Insolvency Practice Rules (Corporations)* (IPR-C), only creditors are entitled to vote at the meeting. As a creditor, you are entitled to exercise your vote provided that prior to the meeting:

- you have submitted a Form 535 Proof of Debt (POD), complete with particulars evidencing your claim. This is required to enable the person presiding at the meeting to admit your claim for voting purposes; and
- when completing your POD, take notice that you are unable to vote in respect of:
    - any unliquidated or contingent debt; or
    - any unliquidated or contingent claim; or
    - in circumstances where the value of the debt is unable to be established; or
    - where security is held and the secured creditor is solvent, a secured creditor can elect to deduct an estimate of the value of their security from the claim. This value will be admitted for voting (and not dividend) purposes only; and
    - sections 75-86 IPR-C and 560 of the Act extends the entitlement to vote where a person has advanced money to the Company.
- where the creditor is a corporate entity a representative must be appointed to vote. If a creditor elects to be represented by an attorney, the power of attorney must be provided prior to the meeting in accordance with section 75-25 IPR-C. Where a proxy or attorney is assigned to vote, this must also be provided prior to the meeting. Due to our requirements to determine your entitlement to vote, POD and proxy forms received on the meeting day will not be accepted.

If you choose, you can participate in the meeting remotely by using our electronic facilities. In accordance with section 75-35 of IPR-C you need to provide Brett Harron of our office with your contact details, for the purposes of the meeting, by 4 April 2018.

Should you have any queries or wish to discuss this further please contact Brett Harron of my office on (07) 5503 4964 or by email on brett.harron@svp.com.au.

Dated this 27th day of March 2018



MATTHEW JOHN BOOKLESS
LIQUIDATOR
5 HICKS STREET
SOUTHPORT QLD 4215
WWW.SVPARTNERS.COM.AU

MENZIES ADVISORY
LIQUIDATORS & RECEIVERS

Menzies Advisory Pty Ltd
Liquidators & Receivers
Level 54, 111 Eagle Street
Brisbane Qld 4000
Phone 07 4222 1511
ABN 36 612 600 049

askus@menziesadvisory.com.au

CORPORATIONS ACT 2001

Section 532(9)

CONSENT OF LIQUIDATOR TO ACT

FUTURE URBAN RESIDENTIAL PTY LTD
(IN LIQUIDATION)
(the company)

ACN 611 726 277

I, Michael Caspaney, of Menzies Advisory - Liquidators & Receivers, Level 54, 111 Eagle Street, Brisbane QLD 4000 hereby consent to act as Liquidator of the Company if appointed Liquidator of the Company.

To the best of my knowledge I am not disqualified from acting as Liquidator of the Company by reason of the provisions of Section 532 of the Corporations Act 2001.

DATED this 26th day of March 2018.

MICHAEL CASPANEY

Menzies Advisory Remuneration Rates Effective 1 July 2016		
Title	Description	Rate per Hour $
Liquidator	Registered or Official Liquidator, Principal	500
Consultant	Registered or Official Liquidator, Consultant	450
Director	Registered or Official Liquidator, Director	425
Senior Manager	CPA or CA, ARITA Professional Member with extensive insolvency experience including legal and compliance areas of expertise	370
Manager	CPA or CA working towards ARITA professional membership with sound knowledge or relevant insolvency issues especially in compliance	320
Supervisor	Accounting or Commerce degree qualified working towards CPA or CA status with at least 4 years insolvency experience	280
Senior Accountant	Working towards their Accounting or Commerce degree with at least 3 years insolvency experience	250
Accountant	Minimum 2 years insolvency experience with knowledge of fundamental issues and procedures	220
Intermediate	Relevant and practical experience in commerce and industry with strong compliance qualities	200
Secretary	Administrative member of staff	150
Clerical	Clerical Staff	130
Junior	Junior staff	120

Notes:

1. *The abovementioned hourly rates are exclusive of GST.*
2. *The above staff descriptions are intended a general guide only to the experience and qualifications of staff engaged in the external administration.*
3. *Time is recorded and charged to the administration in six-minute increments.*
4. *Menzies Advisory's Schedule of Hourly Rates is subject to change annually.*

Menzies Advisory Disbursement Schedule Basis of disbursements claim	Amount $ (ex GST)
Advertising	At cost
Binding	$30.00 per bind
Courier	At cost
Faxes (sent) & Photocopying (B&W, Colour)	$0.75 per page
Faxes (received)	No charge
Document Printing (internal)	No charge
Document Scanning	No charge
Postage	Per prevailing Australia Post rates
Stationery	
- Folders	No charge
- Filing Index	No charge
Telephone calls	
- Local	No charge
- STD, Mobile and ISD Calls	No charge
External Travel and Accommodation	At cost
Staff Motor Vehicle Expense Reimbursement	$0.75 per km
External Record Storage & Destruction	At cost

CORPORATIONS ACT 2001

Section 506A

Declaration of Independence, Relevant Relationships and Indemnities

FUTURE URBAN RESIDENTIAL PTY LTD
(IN LIQUIDATION) ACN 611 726 277

Section 506A of the Corporation Act requires the Practitioner appointed to an insolvent entity to make declarations as to:

A. their independence generally;

B. relationships, including

   i the circumstances of the appointment;

   ii any relationships with the Future Urban Residential Pty Ltd and others within the previous 24 months;

   iii any prior professional services for the Future Urban Residential Pty Ltd within the previous 24 months;

   iv that there are no other relationships to declare; and

C. any indemnities given, or up-front payments made, to the Practitioner.

This declaration is made in respect of myself and my staff at Menzies Advisory - Liquidators & Receivers, Certified Practising Accountants.

A. Independence

I, Michael Caspaney, of Menzies Advisory - Liquidators & Receivers, Certified Practising Accountants, have undertaken a proper assessment of the risks to my independence prior to accepting the appointment as Administrator of Future Urban Residential Pty Ltd in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to my independence. I am not aware of any reasons that would prevent me from accepting this appointment.

B. Declaration of Relationships

i Circumstances of appointment

This appointment was referred to me by a group of creditors calling themselves "Subbies United" who have no connection to the company except that some of them are creditors of the company. Prior to this engagement, I have received three other referrals from Subbies United within the past 12 months.

In taking this appointment, I have not given, nor have I received, any referral commission, inducement or other benefit. In addition, my appointment is not conditional upon any understanding or requirement what work may be returned to the referrer. There are no conditions or arrangements surrounding the referral that would restrict the proper exercise of my judgment or duties. I am therefore of the opinion that there is no conflict of interest with regard to this relationship.

I have never met or had contact with the current director and I have never met or had contact with any past or present officer of the company or any current or past shareholders of the company that I am aware of.

I have provided no other information or advice to the company, its director(s) or their advisors prior to my appointment beyond that outlined in this Declaration.

ii Relevant Relationships (excluding Professional Services to the Insolvent)

Neither I, nor my firm, have, or have had within the preceding 24 months, any relationships with Future Urban Residential Pty Ltd, an associate of the Future Urban Residential Pty Ltd, a former insolvency practitioner appointed to Future Urban Residential Pty Ltd or any person or entity that has security over on the whole or substantially whole of the Future Urban Residential Pty Ltd's property (including any PPSA retention of title property).

Relationships with Major Banks

It is both common and usual to accept appointments where major Banks hold a security interest over the company's non-circulating and circulating assets. Prior to 30 January 2012, this was referred to as security in the form of a fixed and floating charge over the company's assets or alternatively a debenture mortgage.

Major Banks in almost every instance provide or have provided banking facilities and/or leasing facilities to companies prior to the appointment of a liquidator. Such an association does not, of itself, necessarily give rise to any conflict in respect of my independence.

Whether or not a Bank may either hold a current security interest or, alternatively, rank as an ordinary unsecured creditor in the administration is not an issue that would normally prevent a registered liquidator from accepting an appointment to a company. Should the company remain indebted to a Bank following my appointment such an association between the Bank and the company will not influence my ability to fully comply with my statutory and fiduciary obligations associated with the winding up of the company's affairs objectively and impartially.

Relationship with the Australian Taxation Office ("ATO")

Again, it is common and usual to accept appointments where the ATO is a creditor of the company. On occasion, the amount of indebtedness by a company in liquidation to the ATO is not known as at the date of appointment and may not be able to be quantified until sometime after the commencement of the liquidation.

I do not have any direct association with the ATO. Whether or not the company is indebted to the ATO, such an association does not, of itself, necessarily give rise to any conflict in respect of my independence.

Accordingly, should the company remain indebted to the ATO following my appointment such an association between the ATO and the company will not influence my ability to comply with my statutory and fiduciary obligations associated with the winding up of the company's affairs objectively and impartially.

iii Prior Professional Services to the Insolvent

Neither I, nor my firm, have provided any professional services to Future Urban Residential Pty Ltd in the previous 24 months, other than those outlined herein.

iv No other relevant relationships to disclose

There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with Future Urban Residential Pty Ltd, an associate of Future Urban Residential Pty Ltd, a former insolvency practitioner appointed to Future Urban Residential Pty Ltd or any person or entity that has a valid and enforceable security interest on the whole or substantially whole of company's property that should be disclosed.

C. Indemnities and up-front payments

I have not been indemnified in relation to this administration, other than any indemnities that I may be entitled to under statute and I have not received any up-front payments in respect of my remuneration or disbursements.

Dated: 26 March 2018



.....
MICHAEL CASPANEY

NOTE:

1. *If circumstances change, or new information is identified, I am/we are required under the Corporations Act 2001 and the ARITA Code of Professional Practice to update this Declaration and provide a copy to creditors with my next communication as well as table a copy of any replacement declaration at the next meeting of the insolvent's creditors.*
2. *Pursuant to Section 506A(5) of the Corporations Act 2001 I am required to make a replacement declaration of relevant relationships if:-*
   i. *The declaration becomes out-of-date; or*
   ii. *The Liquidator becomes aware of an error in the declaration.*

   I am also required to table a copy of any replacement declaration at the next meeting of the company's creditors.
3. *Any relationships, indemnities or up-front payments disclosed in the DIRRI must not be such that the Practitioner is no longer independent. The purpose of components B and C of the DIRRI is to disclose relationships that, while they do not result in the Practitioner having a conflict of interest or duty, ensure that creditors are aware of those relationships and understand why the Practitioner nevertheless remains independent.*

FORM 535

Subregulation 5.6.49(2)
75-90 IPR-C

Corporations Act 2001 (Cth)

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)
FUTURE URBAN RESIDENTIAL PTY LTD (IN LIQUIDATION)
ACN 611 726 277 (THE COMPANY)

To the Liquidator

1. This is to state that the Company was on 26 February 2018, and still is, justly and truly indebted to:

Creditor Name	
Creditor Postal Address	
Telephone	
Email:	
ABN (N/A, if not required)	
FOR $Amount owing (Dollars & Cents)	$

Particulars of the debt are:

Date	Consideration *(state how the debt arose and attach supporting documentation)*	Amount $ c

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following: *(Insert particulars of all securities held. If the securities are on the property of the Company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form).*

Date	Drawer	Acceptor	Amount $ c	Due Date

*3. I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

*3. I am the creditor's agent authorised in writing to make this statement in writing. I know the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

** Do not complete if this proof is made by the creditor personally.*

Signature:	Dated:
Print Name:	Occupation/Title:

Office Use Only			
Amount accepted for voting		Reason for accepting/rejecting amount (s75-90 IPR-C)	
Amount rejected for voting			
Prepared by (name)		Appointee signature:	

S75-25 IPR-C

Corporations Act 2001 (Cth)

APPOINTMENT OF PROXY
FUTURE URBAN RESIDENTIAL PTY LTD (IN LIQUIDATION)
ACN 611 726 277 (the Company)

Name of company or individual:	Date:
Address:	
Email:	Telephone:

APPOINTMENT OF PROXY:

☐ The Presiding Person of the meeting

OR, if you are not appointing the Presiding Person of the meeting as your proxy, please write the name of the person you are appointing as your proxy

as my/our **general proxy/special proxy** (please cross off whichever does not apply), and to vote for me/us on my/our behalf at the meeting of Creditors to be held at SV Partners, 5 Hicks Street, SOUTHPORT QLD 4215 on Friday, 6 April 2018 at 9:00 AM, or at any adjournment of that meeting. For a **special proxy** tick either For, Against or Abstain for each resolution detailed below.

VOTING DIRECTIONS (if appointing a special proxy):

Resolution	For	Against	Abstain
1. To remove the Liquidator of the Company "That Matthew John Bookless be removed as liquidator of Future Urban Residential Pty Ltd and be replaced by Michael Caspaney."	☐	☐	☐
2. To appoint another person as Liquidator of the Company			

SIGNATURE OF CREDITOR/S:

Individual/agent	Individual/agent

INSTRUCTIONS FOR COMPLETING THIS FORM:

APPOINTMENT OF PROXY: A proxy may be an individual or a corporate body representative. The proxy does not need to be a creditor of the company.

If a corporate body is sending a representative, a 'Certificate of Appointment of Corporate Representative', in accordance with the company's register, will be required. The certificate will need to be produced prior to the meeting or in accordance with the notice of the meeting.

SIGNATURE: This form must be signed by the creditor or the creditor's attorney. If the latter is signing, a certified copy of the power of attorney must be attached unless it has previously been lodged.

Where the creditor is a company, this form must be completed under the company's Common Seal, or signed by officers authorised under the Seal of the Company. Two officers must sign, except in the case of a sole director who is also the secretary or where there is a sole director and there is no company secretary.

Where the creditor is a joint holding, either one of the creditors may sign.