



**EDDIE
SENATORE**

EDDIE SENATORE
Advisory

PO Box 3481
MANUKA ACT 2603

+61 2 6100 3435
hello@eddiesenatore.com
eddiesenatore.com

14 October 2021

To the creditor as addressed

Dear Sir or Dear Madam

**KAS Coffee Pty Ltd (In Liquidation) ACN 133 830 065 (the "Company")
As Trustee For KAS Coffee Unit Trust (the "Trust")
Formerly Trading As The Coffee Club Tuggeranong**

As you are aware, I was appointed members' voluntary liquidator of the Company and trustee of the Trust on 6 January 2020 on the basis that the Company was solvent.

At the meeting of creditors held on 31 March 2020, creditors of the Company resolved to convert the liquidation of the Company from a solvent, members' voluntary liquidation to an insolvent, creditors' voluntary liquidation and I was subsequently appointed creditors' voluntary liquidator of the Company on the same date.

Please find enclosed:

1. Creditor Update; and
2. Remuneration Approval Report

Please cast your vote by using the voting forms attached in Appendix 1, 2 and 3 of the Remuneration Approval Report and return to my office no later than Friday, 5 November 2021.

Please contact my office should you require further information.

Yours faithfully

Ezio Senatore
Liquidator

Date of Appointment:	Members' Voluntary Liquidator	6 January 2020
	Creditors' Voluntary Liquidator	31 March 2020
Contact name:		Ezio (Eddie) Senatore
Contact number:		(02) 6100 3435
Email:		hello@eddiesenatore.com



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**KAS Coffee Pty Ltd
(In Liquidation)
ACN 133 830 065
(the "Company")
As Trustee For KAS Coffee Unit
Trust
(the "Trust")
Formerly Trading As The Coffee
Club Tuggeranong
(the "Business")**

Creditor Update

14 October 2021

EXIT OPTIMISATION | TURNAROUND | PERFORMANCE IMPROVEMENT | DIGITAL



1.0 Executive Summary

The purpose of this report is to provide an update on the liquidation of the Company.

I will also be seeking approval from creditors of my remuneration by way of proposal without a meeting.

2.0 Receipts and Payments

Refer to the remuneration report attached to this circular which contains a copy of my receipts and payments to date.

3.0 Remuneration

Refer to the remuneration report attached to this circular, I will be seeking further \$8,061.00 in remuneration.

4.0 Meeting of Creditors

As mentioned in my previous reports, if I receive a request for a meeting complying with the guidelines set out in the initial information provided to you, I will hold a meeting of creditors. Otherwise, I do not intend to call a meeting of creditors at this time.

5.0 Motor Vehicles

As advised in my Statutory Report to Creditors dated 28 April 2020, a review of the Company's balance sheet as at the date of my appointment as members' voluntary liquidator indicated the Company had a motor vehicle valued at \$12,652 after depreciation.

Further inquiries indicated the motor vehicle was involved in an accident and was written off prior to my appointment.

Ms Kelly Woodland, one of the Directors, advised that there was no payout received from the motor vehicle insurer as the motor vehicle insurance had lapsed.

I advise no further inquiries will be made in relation to the abovementioned motor vehicle as the motor vehicle would be uncommercial to pursue.

6.0 Priority Creditors

In my Statutory Report to Creditors dated 28 April 2020, I reported that as at the date of my appointment as members' voluntary liquidator of the Company, the Directors advised there was \$60,000 owing to priority creditors relating to outstanding superannuation.

A review of the Company's balance sheet as at the date of my appointment as members' voluntary liquidator of the Company indicated that outstanding superannuation owed was \$101,787.

Further to my previous report, an assessment of superannuation for the Company was completed based on a review of the books and records of the Company which indicated an



amount of \$93,912.88 owing for outstanding superannuation for to the period 30 June 2013 to 6 January 2020.

A letter requesting an assessment of Superannuation Guarantee Charge (“SGC”), General Interest Charge (“GIC”) and Administration Charges from the Australian Taxation Office (“ATO”) along with a request to submit an amended formal proof of debt was sent on 9 December 2020.

On 3 June 2021, the ATO lodged an amended proof of debt in the amount of \$158,169.71 owed by the Company for superannuation including SGC, GIC and Administration Charges.

I advise the claim received from the ATO has been adjudicated and the amended proof of debt has been admitted in full.

Note that the difference in my assessment between the Company’s books and records and the amount provided by the ATO mainly relates to nominal interest and shortfall on SGC, GIC and Administration Charges noting that amount owing for superannuation dates back as far as 30 June 2013.

7.0 Recovery of Unfair Preferences

As advised in my Statutory Report to Creditors dated 28 April 2020, my investigations into the affairs of the Company included the review of payments from the Company’s bank accounts in the six (6) months leading up to my appointment as liquidator which could be considered preferential in nature and recoverable.

I have identified three (3) transactions of the Company with the ATO considered to be preferential in nature pursuant to section 588FA of the Corporations Act 2001 (the “Act”).

A demand letter was sent to ATO on 12 May 2020 and I subsequently recovered the total amount of \$24,264.87 in unfair preference payments.

I advise there are no other preference recoveries.

8.0 Insolvent Trading

In my Statutory Report to Creditors dated 28 April 2020, I reported that the Company was deemed to be trading whilst insolvent from at least 1 July 2018, as this is when trading losses began to accumulate.

I advise the creditors have been asked to fund any action against the Directors however, no funding was received.

Accordingly, as no funding was received, no further action was taken in pursuit of the insolvent trading claims against the Directors.



9.0 Likelihood of a Dividend

Pursuant to section 556 of the Act, the outstanding employee entitlements represent a priority claim. This means employee claims in respect of unpaid wages, superannuation contributions and SGC payable by the company are given a priority before any distribution to unsecured creditors of the Company.

Accordingly, I anticipate a first and final dividend at a rate of 15.70 cents in the dollar to be declared and paid on 28 October 2021 to priority creditors of the Company in the liquidation.

10.0 Outstanding Matters

I have completed my investigations and have reported to the Australian Securities and Investments Commission ("ASIC") pursuant to Section 533 of the Act. This report is a confidential one between the liquidator and ASIC.

The only outstanding matter in this liquidation is the payment of dividend to the priority creditors of the Company. Once payment is made, I will proceed to finalise the liquidation.

11.0 Information for Creditors

Creditor information sheets can be accessed on ASIC's website at www.asic.gov.au/insolvencyinfosheets. Creditors requiring further information regarding the liquidation can contact me.

Dated this 14th October 2021.

Yours faithfully

Ezio Senatore
Liquidator



Remuneration Approval Report

KAS Coffee Pty Ltd (In Liquidation) (the “Company”) ACN 133 830 065

This remuneration approval report provides you with the information you need to be able to make an informed decision regarding the approval of my remuneration for undertaking liquidation of the Company

This report has the following information included:

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What do you need to do next?

You should read this report and the other documentation that I have sent you.

To minimise the costs in this liquidation, I have elected to seek the approval of creditors for my remuneration without a meeting. Information about the proposals without a meeting process is included at Appendix 4 of this report.

You can cast your vote by using the included voting forms included in this report at Appendix 1, 2 and 3. These forms then need to be returned to my office by post, scanned and emailed or faxed. I need to receive your forms by **5 November 2021** for your vote to count. If you chose to use post, please allow enough time for your letter to be delivered.

If you have any questions, or need any assistance with understanding the materials I have sent to you, please contact Eddie Senatore on (02) 6100 3435 or via email on hello@eddiesenatore.com.

Part 1: Declaration

I, Eddie Senatore of Eddie Senatore Advisory, have undertaken a proper assessment of this remuneration claim for my appointment as liquidator of the Company in accordance with the law and applicable professional standards. I am satisfied that the remuneration claimed is in respect of necessary work, properly performed, or to be properly performed, in the conduct of the liquidation.

Part 2: Executive Summary

In a meeting of the creditors held on 31 March 2020, creditors approved my remuneration by proposals for the period 31 March 2020 to the conclusion of the winding up.

The following table highlights the past remuneration approved by creditors and the current remuneration approval being sought.



Period 6 January 2020 to the conclusion of the winding up	Period	Actual/ Forecast \$	Reference	Amount (ex GST) \$
Members' Voluntary Liquidation				
Past remuneration approved: <i>Total past remuneration approved in the Members Voluntary Liquidation</i>	For period 6 January 2020 to 6 March 2020	Actual	Statutory Report to Creditors as Members' Voluntary Liquidator dated 9 March 2020	73,440.00*
Total Members Voluntary Liquidation Remuneration				73,440.00
Creditors' Voluntary Liquidation				
Past remuneration approved: <i>Total past remuneration approved in the Creditors Voluntary Liquidation</i>	For period 31 March 2020 to the conclusion of the winding up	Forecast	Meeting of Creditors held 31 March 2020	50,000.00**
Current remuneration approval sought:				
Liquidation Resolution No.1 for the period 31 March 2020 to 29 September 2021	From 31 March 2020 to 29 September 2021	Actual	3.2	53,061.00
Liquidation Resolution No. 2 for the period 30 September 2021 to the conclusion of the winding up	From 30 September 2021 to the conclusion of the winding up	Forecast	3.2	5,000.00***
Total Creditors Voluntary Liquidation Remuneration				58,061.00
*Remuneration incurred in trading on the business of the Company as members' voluntary liquidator of the Company and trustee of the Trust which has been drawn out of the liquidation bank account and paid in full.				
**This remuneration approval has been superseded by the actual remuneration incurred during the period 31 March 2020 to 29 September 2021.				
***Approval for the future remuneration sought is based on an estimate of the work necessary to the completion of the administration. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.				

As highlighted in the table above, creditors have previously approved the remuneration of the Liquidator for the period 31 March 2020 to the conclusion of the winding up to an amount of \$50,000.00 (not Incl. GST).

I am requesting that creditors consider a resolution to approve the remuneration of the Liquidator in the amount of \$58,061.00 plus GST. This amount represents additional remuneration of \$8,061.00 for the period 31 March 2020 to the conclusion of the liquidation, which for the purposes of clarity creditors will be requested to consider a



resolution for the remuneration of the Liquidator from 31 March 2020 to 29 September 2021 in the amount of \$53,061.00 plus GST. The balance of the additional remuneration sought in the amount of \$5,000.00 represents estimated costs attributed to outstanding work in order to finalise the liquidation.

Summary of Liquidator's Remuneration & Resolutions

At the meeting of creditors held 31 March 2020, creditors were advised that the costs attributed to the liquidation phase would amount to \$50,000.00. As noted in the table above, the amount incurred in Liquidators remuneration has exceeded the initial estimate amount by \$3,061.00 in actual costs, with a further \$5,000.00 being sought to carry out remaining necessary work until the conclusion of the winding up.

The extra costs of the period of the liquidation have been attributed in dealing with the following issues:

- Unforeseen additional time (approximately 7.20 hours) spent by members of staff and sub-contractors in dealing with "dividends" matters including correspondence with Australian Taxation Office ("ATO") regarding Superannuation Guarantee Charges ("SGC") proof of debt ("POD"), requesting further information from ATO in relation to finalising superannuation assessment, numerous correspondence with ATO in relation to obtaining the amended POD, adjudicating POD, and conducting dividend procedure such as preparation of correspondence to creditors advising of intention to declare dividend. The cost of this additional time is approximately \$8,040.00.
- Unforeseen additional time (approximately 8.20 hours) spent by members of staff and sub-contractors in dealing with "employees" matters including reconciling superannuation accounts and preparation of payment summaries for employees. The cost of this additional time is approximately \$3,690.00.
- Unforeseen additional time (approximately 70.97 hours) spent by members of staff and sub-contractors in dealing with "administration" matters including incoming and outgoing correspondence between the case manager and various stakeholders, bank administration, review and planning discussions, general reporting, and lodgements of documentation with the ATO and ASIC, dealing with the ATO directly in respect of BAS issues and dealing with insurance matters. The cost of this additional time is approximately \$12,994.00.

The additional remuneration being sought to administer the liquidation to finalisation is attributed to the outstanding work needed to be undertaken, which is as follows:

- Payment of dividend to priority creditors of the Company;
- Discharge statutory obligations with ASIC, the ATO and other regulatory authorities; and
- Attend to all tasks associated with finalising the administration.

I draw the attention of creditors that the approval for the actual or forecast remuneration sought is based on work already undertaken and that which has been deemed necessary to complete the administration. Should additional work be necessary beyond what is contemplated, further approval may be sought from creditors.

Part 3. Remuneration

3.1 Remuneration claim resolutions

I will be seeking approval of the following resolutions to approve my remuneration. Details to support these resolutions are included in section 3.2 and in the attached Schedules.



Resolution 1 from 31 March 2020 to 29 September 2021

"That the remuneration of the liquidator, his staff and sub-contractors, as set out in the Remuneration Approval Report dated 14 October 2021, be fixed and approved for the period from 31 March 2020 to 29 September 2021 to a limit of \$53,061.00 plus GST, and that the Liquidator be authorised to draw remuneration as required."

Resolution 2 from 30 September 2021 to the conclusion of the winding up.

"That the remuneration of the Liquidator, his staff and sub-contractors, as set out in the Remuneration Approval Report dated 14 October 2021, for the period from 30 September 2021 to the conclusion of the winding up, be capped up to a maximum amount of \$5,000.00, plus any applicable GST, but subject to upward revision by resolution of creditors, and that the Liquidator be authorised to make periodic payments on account of such accruing remuneration as incurred."

3.2 Details of remuneration

The basis of calculating the remuneration claims are summarised below and the details of the major tasks performed and the costs associated with each of those major tasks are contained in Schedules A and B.

Resolution 1 from 31 March 2020 to 29 September 2021

The below table sets out time charged to each major task area by staff members and sub-contractors working on the liquidation for the period 31 March 2020 to 29 September 2021 which is the basis of the Resolution 1 claim. More detailed descriptions of the tasks performed within each task area, matching the amounts below, are contained in Schedule A.

Fee Summary for the Period 31 March 2020 to 29 September 2021

Employee	Position	\$/Hour (Exc GST)	Total Actual Hours	TOTAL \$	T A S K A R E A						
					Assets \$	Creditors \$	Employees \$	Trade-On \$	Investigations \$	Dividend \$	Administration \$
Ezio Senatore	Appointee	450.00	1.50	675.00	-	-	-	-	675.00	-	-
Matthew Moldrich	Manager	450.00	18.10	8,145.00	-	-	-	-	8,145.00	-	-
Aegrene Manangan	Manager	450.00	40.50	18,225.00	-	-	3,690.00	-	495.00	14,040.00	-
Eddie Senatore	Senior Accountant	200.00	1.50	300.00	-	250.00	-	-	-	-	50.00
Matthew Moldrich	Senior Accountant	200.00	29.36	5,872.00	60.00	4,312.00	-	-	-	-	1,500.00
Aegrene Manangan	Senior Accountant	200.00	22.60	4,520.00	880.00	1,520.00	-	-	-	-	2,120.00
Gina Neou	Clerk	200.00	73.25	14,650.00	-	-	-	-	-	-	14,650.00
Clare Johnson	Secretary	200.00	3.37	674.00	-	-	-	-	-	-	674.00
TOTAL			190.18	53,061.00	940.00	6,082.00	3,690.00	-	9,315.00	14,040.00	18,994.00
add GST				5,306.10							
TOTAL INC GST				58,367.10							

Number of hours (Actual)	4.70	30.41	8.20	-	20.70	31.20	94.97
Average hourly rate (Actual - \$)	\$ 200.00	\$ 200.00	\$ 450.00	\$ -	\$ 450.00	\$ 450.00	\$ 200.00
Total average hourly rate (Actual - \$)	\$ 279.00						

Resolution 2 from 30 September 2021 to the conclusion of the winding up

The below table sets out the expected costs for the major tasks likely to be performed by the liquidator, staff and sub-contractors for the period 30 September 2021 to the conclusion of the winding up which is the basis of the Resolution 2 claim. More detailed descriptions of the tasks likely to be performed within each task area, matching the amounts below, are contained in Schedule B.



Remuneration Resolution 2

Forecast Fee Summary from 30 September 2021 to the conclusion of the winding up

Task Area	Estimated Hours	Estimated Cost (\$)
Creditors	4.00	800.00
Dividends	5.56	2,500.00
Administration	8.50	1,700.00
TOTAL	18.06	5,000.00
Average rate (\$)		276.92

3.3 Total remuneration reconciliation

At this point in time, I estimate that the total remuneration for this liquidation will be \$58,061.00 (plus GST). This includes the current remuneration approvals being sought. This is different with the estimate provided in the meeting to creditors held on 31 March 2020, which estimated remuneration of \$50,000 (plus GST) due to the extra tasks associated with reviewing of specific transactions and liaising with directors regarding certain transactions, recovering the identified unfair preference payments from one of the creditors of the Company, reviewing employee files and the Company's books and records, sending out payment summaries to employees, reconciling superannuation accounts, correspondence with ATO regarding SGC POD, requesting further information from ATO in relation to finalising superannuation assessment, numerous correspondence with ATO in relation to obtaining the amended POD, adjudicating POD, and conducting dividend procedures such as preparation of correspondence to creditors advising of intention to declare dividend, advertisement of intention to declare dividend, preparation of dividend calculation, preparation of distribution, preparation of dividend file, and payment of dividend to priority creditors.

In preparing this remuneration approval report, I have made my best estimate at what I believe the liquidation will cost to complete and I do not anticipate that I will have to ask creditors to approve any further remuneration. However, should the liquidation not proceed as expected, I will advise creditors and I may seek approval of further remuneration and provide details on why the remuneration has changed.

3.4 Likely impact on dividends

The Corporations Act sets the order for payment of claims against the company and it provides for remuneration of the liquidator to be paid in priority to other claims. This ensures that when there are sufficient funds, the liquidator receives payment for the work done to recover assets, investigate the company's affairs, report to creditors and ASIC and distribute any available funds.

Based on:

- realisations to date,
- estimated future realisations,
- my estimated remuneration to complete the liquidation and
- the estimated total of creditor claims based on the company's records and claims lodged now,



I estimate that a first and final dividend at a rate of 15.70 cents in the dollar will be declared and paid on 28 October 2021 to priority creditors of the Company in the liquidation.

3.5 Remuneration recovered from external sources

I have received no remuneration from external sources to date.

Part 4: Disbursements

Disbursements are divided into three types:

- **Externally provided professional services** - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees.
- **Externally provided non-professional costs** - these are recovered at cost. Examples of externally provided non-professional costs are travel, accommodation and search fees.
- **Internal disbursements** such as photocopying, printing and postage. These disbursements, if charged to the Administration, would generally be charged at cost; though some expenses such as telephone calls, photocopying and printing may be charged at a rate which recoups both variable and fixed costs.

I have undertaken a proper assessment of disbursements claimed for the Company in accordance with the law and applicable professional standards. I am satisfied that the external disbursements claimed are at cost and are necessary and proper and do not require creditor approval.

Part 5: Report on Progress of the Administration

Please refer to my report to creditors attached to this circular.

Part 6: Summary of Receipts and Payments

A summary of the receipts and payments for the liquidation as at 14 October 2021 is included at Schedule C of this report.

Part 7: Queries

If you have any queries in relation to the information in this report, please contact me on (02) 6100 3435 or hello@eddiesenatore.com.

You can also access information which may assist you on the following websites:

- ARITA at www.arita.com.au/creditors
- ASIC at www.asic.gov.au (search for “insolvency information sheets”).



Schedule A – Resolution 1 Table of major tasks for remuneration

The below table provides a description of the work undertaken in each major task area for the period 31 March 2020 to 29 September 2021.

Task Area	General Description	Includes
Assets 4.70 hours \$940.00	Other Assets	Tasks associated with realising other assets
Creditors 30.41 hours \$6,082.00	Creditor Enquiries, Requests & Directions	Receive and respond to creditor enquiries Review and prepare correspondence to creditors and their representatives Documenting Considering reasonableness of creditor requests Compiling information requested by creditors
	Secured creditor	Preparing reports to secured creditor Responding to queries of secured creditor/PPSR queries
	Reports to creditors	Preparing Initial Report to Creditors Preparing Statutory Report by Liquidator Preparing Update Report to Creditors
	Dealing with Proofs of debt	Receipting and filing POD when not related to a dividend Corresponding with ATO regarding POD when not related to a dividend
	Proposals to Creditors	Preparing proposal notices and voting forms Forward notice of proposal to all known creditors
Investigation 20.70 hours \$9,315.00	Conducting investigation	Reviewing company's books and records Review potential voidable transactions Review of specific transactions and liaising with directors regarding certain transactions Liaising with directors regarding certain transactions Preparation of investigation file Lodgement of investigation with the ASIC
	Litigation/Recoveries	Preparing brief to solicitors Liaising with solicitors regarding recovery action
	ASIC Reporting	Preparing statutory investigation reports
Dividends 31.20 hours \$14,040.00	Processing proofs of debt	Preparation of correspondence to potential creditors inviting lodgement of POD Receipt of POD Maintaining POD register Adjudicating POD Request further information from claimants regarding POD Preparation of correspondence to claimant advising outcome of adjudication
	Dividend procedures	Preparation of correspondence to creditors advising of intention to declare dividend



Task Area	General Description	Includes
Employees 8.20 hours \$3,690.00	Employees enquiries	Receive and follow up employee enquiries via telephone Maintain employee enquiry register Review and prepare correspondence to creditors and their representatives via email and post Preparation of payment summaries for employees
	Calculation of entitlements	Calculating employee entitlements Reviewing employee files and company's books and records Reconciling superannuation accounts
Administration 94.97 hours \$18,994.00	Correspondence	General correspondence
	Document maintenance/file review/checklist	Filing of documents File reviews Updating checklists
	Bank account administration	Bank account reconciliations
	ASIC forms and lodgements	Preparing and lodging ASIC forms Correspondence with ASIC regarding statutory forms
	ATO and other statutory reporting	Notification of appointment Preparing BAS
	Planning / Review	Discussions regarding status of administration
Total \$53,061.00		



Schedule B – Resolution 2 Table of major tasks for remuneration

The below table provides a description of the work undertaken in each major task area for the period 30 September 2021 to the conclusion of the winding up.

Task Area	General Description	Includes
Creditors \$800.00	Creditor enquiries, requests and directions	Receive and respond to creditor enquiries Review and prepare correspondence to creditors and their representatives Considering reasonableness of creditor requests Documenting reasons for complying or not complying with requests or directions Compiling information requested by creditors Maintaining creditor request log Review and/or prepare correspondence to creditors by fax/post/email
	Secured creditor	Responding to queries of secured creditor/PPSR queries
	Proposals to Creditors	Reviewing votes and determining outcome of proposal Preparation and lodgement of proposal outcome with ASIC
Dividends \$2,500.00	Dividend procedures	Advertisement of intention to declare dividend Preparation of dividend calculation Preparation of correspondence to creditors announcing declaration of dividend Advertise declaration of dividend Preparation of distribution Preparation of dividend file Preparation of payment vouchers to pay dividend Preparation of correspondence to creditors enclosing payment of dividend
Administration \$1,700.00	Correspondence	General correspondence
	Document maintenance/file review/checklist	Filing of documents File reviews Updating checklists
	Bank account administration	Preparing correspondence closing accounts
	ASIC forms and lodgements	Preparing and lodging ASIC forms Correspondence with ASIC regarding statutory forms
	Planning / Review	Discussions regarding status of administration
	ATO and other statutory reporting	Preparing BAS
	Finalisation	Notifying ATO of finalisation Cancelling ABN / GST / PAYG registration Completing checklists Finalising WIP
	Planning / Review	Discussions regarding status of administration
	Books and records / storage	Dealing with records in storage Sending job files to storage
Total \$5,000.00		



Schedule C – Summary of Receipts and Payments

KAS Coffee Pty Ltd (In Liquidation)
ACN 133 830 065
(the “Company”)

Summary of Liquidator's Receipts and Payments 31 March 2020 to 14 October 2021

Receipts	Total (AUD) \$
Cash at Bank	54,174.61
Settlement of Unfair Preferences	24,264.87
GST Clearing Account	15,000.00
Total	\$93,439.48

Payments	Total (AUD) \$
Legal Fees (GST)	9,569.00
Postage	23.05
GST Receivable	959.20
Total	\$10,551.25

Cash At Bank As At 14 October 2021	\$82,888.23
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Ezio Senatore
Liquidator



Schedule D – Explanation Of Hourly Rates

The rates for my remuneration calculation are set out in the following table together with a general guide showing the qualifications and experience of staff that will be engaged in the administrations and the role they take in the administrations. The hourly rates charged encompass the total cost of providing professional services and should not be compared to an hourly wage.

Title	Description	Hourly Rate (\$) (ex GST)
Appointee	Registered liquidator, Chartered Accountant, degree qualified with more than twelve years of experience. Assignment lead.	\$550
Manager	Chartered Accountant and degree qualified with more than five years of experience. Self-sufficiently conducts insolvency appointments and takes a supervisory role on matters.	\$450
Intermediate	Generally degree qualified and undertaking or about to undertake professional year qualification or comparable relevant qualification with less than one year of experience.	\$300
Secretary	Appropriately experienced and undertakes senior activities such as oversight of the processing of payment of receipts and banking administration.	\$250
Clerk	Appropriately experienced and undertakes support activities such as meeting coordination and preparation of materials where it is efficient and appropriate to do so.	\$150

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.*

14 October 2021

NOTICE OF PROPOSAL TO CREDITORS WITHOUT MEETING
KAS Coffee Pty Ltd (In Liquidation)
ACN 133 830 065 (the "Company")

Proposal 1 for creditor approval – Remuneration

"That the remuneration of the liquidator, his staff and sub-contractors, as set out in the Remuneration Approval Report dated 14 October 2021, be fixed and approved for the period 31 March 2020 to 29 September 2021 to a limit of \$53,061.00 plus GST, and that the Liquidator be authorised to draw remuneration as required."

Reasons for the proposal and the likely impact it will have on creditors if it is passed

The proposal is a request to creditors for approval of my prospective remuneration. If my remuneration is approved, I will draw these funds from current and future funds available. This will reduce the dividend payable (if any) to creditors of the Company. Failure to approve remuneration via circular resolution means that I shall be required to call a meeting of creditors to seek approval of my remuneration. This action will result in additional fees and costs for which I shall seek approval.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- Yes I approve the proposal
- No I do not approve the proposal
- Object I object to the proposal being resolved without a meeting of creditors

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. Please select the option that applies:

- I have previously submitted a proof of debt form and supporting documents
- I have enclosed a proof of debt form and supporting documents with this proposal form

Creditor details

Name of creditor: _____ ACN / ABN (if applicable): _____

- I am not a related creditor of the Company.
- I am a related creditor of the Company, relationship:

Address _____

Name _____

Signature _____

Reasons for the proposal and the likely impact it will have on creditors if it is passed

- *A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as a liquidator.*
- *I am unable to pay my remuneration without the approval of the committee of inspection (if one has been appointed), creditors, or the Court.*
- *Approval by creditors is efficient and timely, and is less costly than an application to the Court.*
- *Approval of my remuneration will allow me to maximise returns to the secured creditor and finalise the liquidation.*

Please complete this document and return with any supporting documents by no later than **Friday, 5 November 2021** for your vote to be counted, by email to Hello@eddiesenatore.com or PO Box 3481 Manuka ACT 2603 (please ensure sufficient time for your vote to count). If you have any questions, please call me.

14 October 2021

NOTICE OF PROPOSAL TO CREDITORS WITHOUT MEETING
KAS Coffee Pty Ltd (In Liquidation)
ACN 133 830 065 (the "Company")

Proposal 2 for creditor approval – Remuneration

"That the remuneration of the Liquidator, his staff and sub-contractors, as set out in the Remuneration Approval Report dated 14 October 2021, for the period from 30 September 2021 to the conclusion of the winding up, be capped up to a maximum amount of \$5,000.00, plus any applicable GST, but subject to upward revision by resolution of creditors, and that the Liquidator be authorised to make periodic payments on account of such accruing remuneration as incurred."

Reasons for the proposal and the likely impact it will have on creditors if it is passed

The proposal is a request to creditors for approval of my prospective remuneration. If my remuneration is approved, I will draw these funds from current and future funds available. This will reduce the dividend payable (if any) to creditors of the Company. Failure to approve remuneration via circular resolution means that I shall be required to call a meeting of creditors to seek approval of my remuneration. This action will result in additional fees and costs for which I shall seek approval.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- Yes I approve the proposal
- No I do not approve the proposal
- Object I object to the proposal being resolved without a meeting of creditors

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. Please select the option that applies:

- I have previously submitted a proof of debt form and supporting documents
- I have enclosed a proof of debt form and supporting documents with this proposal form

Creditor details

Name of creditor: _____ ACN / ABN (if applicable): _____

- I am not a related creditor of the Company.
- I am a related creditor of the Company, relationship:

Address _____
 Name _____
 Signature _____

Reasons for the proposal and the likely impact it will have on creditors if it is passed

- *A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as a liquidator.*
- *I am unable to pay my remuneration without the approval of the committee of inspection (if one has been appointed), creditors, or the Court.*
- *Approval by creditors is efficient and timely, and is less costly than an application to the Court.*
- *Approval of my remuneration will allow me to maximise returns to the secured creditor and finalise the liquidation.*

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14 October 2021

NOTICE OF PROPOSAL TO CREDITORS WITHOUT MEETING
KAS Coffee Pty Ltd (In Liquidation)
ACN 133 830 065 (the "Company")

Proposal 3 for creditor approval – Destruction of books and records

"That subject to obtaining the approval of the ASIC under Section 542(4) of the Corporations Act 2001, the books and records of the Company and of the liquidation be disposed of by the liquidator 6 months after the dissolution of the Company or earlier at the discretion of the ASIC."

Reasons for the proposal and the likely impact it will have on creditors if it is passed

Early destruction of books and records will reduce the costs of the liquidation and improve the dividend return to creditors.

Vote on proposal

Creditors have the option of approving, not approving or objecting to the proposal being resolved without a meeting of creditors. Please select the appropriate Yes, No or Object box referred to below:

- Yes I approve the proposal
- No I do not approve the proposal
- Object I object to the proposal being resolved without a meeting of creditors

Your claim against the Company must be admitted for the purposes of voting by the liquidator for your vote to count. Please select the option that applies:

- I have previously submitted a proof of debt form and supporting documents
- I have enclosed a proof of debt form and supporting documents with this proposal form

Creditor details

Name of creditor: _____ ACN / ABN (if applicable): _____

- I am not a related creditor of the Company.
- I am a related creditor of the Company, relationship:

Address _____

Name _____

Signature _____

Reasons for the proposal and the likely impact it will have on creditors if it is passed

- *A Liquidator is entitled to be fairly remunerated for undertaking statutory and other duties, including reporting obligations in acting as a liquidator.*
- *I am unable to pay my remuneration without the approval of the committee of inspection (if one has been appointed), creditors, or the Court.*
- *Approval by creditors is efficient and timely, and is less costly than an application to the Court.*
- *Approval of my remuneration will allow me to maximise returns to the secured creditor and finalise the liquidation.*

Please complete this document and return with any supporting documents by no later than **Friday, 5 November 2021** for your vote to be counted, by email to Hello@eddiesenatore.com or PO Box 3481 Manuka ACT 2603 (please ensure sufficient time for your vote to count). If you have any questions, please call me.

Appendix 4 - Information Sheet - Proposals Without Meeting



Information sheet: Proposals without meetings

You may be a creditor in a liquidation, voluntary administration or deed of company arrangement (collectively referred to as an external administration).

You have been asked by the liquidator, voluntary administrator or deed administrator (collectively referred to as an external administrator) to consider passing a proposal without a meeting.

This information sheet is to assist you with understanding what a proposal without a meeting is and what your rights as a creditor are.

What is a proposal without a meeting?

Meetings of creditors were previously the only way that external administrators could obtain the views of the body of creditors. However, meetings can be very expensive to hold.

A proposal without a meeting is a cost effective way for the external administrator to obtain the consent of creditors to a particular course of action.

What types of proposals can be put to creditors?

The external administrator is able to put a range of proposals to creditors by giving notice in writing to the creditors. There is a restriction under the law that each notice can only contain a single proposal. However, the external administrator can send more than one notice at any single time.

What information must the notice contain?

The notice must:

- include a statement of the reasons for the proposal and the likely impact it will have on creditors if it is passed
- invite the creditor to either:
 - vote yes or no to the proposal, or
 - object to the proposal being resolved without a meeting, and
- specify a period of at least 15 business days for replies to be received by the external administrator.

If you wish to vote or object, you will also need to lodge a Proof of Debt (POD) to substantiate your claim in the external administration. The external administrator will provide you with a POD to complete. You should ensure that you also provide documentation to support your claim.

If you have already lodged a POD in this external administration, you do not need to lodge another one.

The external administrator must also provide you with enough information for you to be able to make an informed decision on how to cast your vote on the proposal. With some types of proposals, the law or ARITA's Code of Professional Practice sets requirements for the information that you must be provided.



For example, if the external administrator is asking you to approve remuneration, you will be provided with a Remuneration Approval Report, which will provide you with detailed information about how the external administrator's remuneration for undertaking the external administration has been calculated.

What are your options if you are asked to vote on a proposal without a meeting?

You can choose to vote yes, no or object to the proposal being resolved without a meeting.

How is a resolution passed?

A resolution will be passed if more than 50% in number and 50% in value (of those creditors who did vote) voted in favour of the proposal, but only so long as not more than 25% in value objected to the proposal being resolved without a meeting.

What happens if the proposal doesn't pass?

If the proposal doesn't pass and an objection is not received, the external administrator can choose to amend the proposal and ask creditors to consider it again or the external administrator can choose to hold a meeting of creditors to consider the proposal.

The external administrator may also be able to go to Court to seek approval.

What happens if I object to the proposal being resolved without a meeting?

If more than 25% in value of creditors responding to the proposal object to the proposal being resolved without a meeting, the proposal will not pass even if the required majority vote yes. The external administrator will also be unable to put the proposal to creditors again without a meeting.

You should be aware that if you choose to object, there will be additional costs associated with convening a meeting of creditors or the external administrator seeking the approval of the Court. This cost will normally be paid from the available assets in the external administration.

This is an important power and you should ensure that it is used appropriately.

Where can I get more information?

The Australian Restructuring Insolvency and Turnaround Association (ARITA) provides information to assist creditors with understanding external administrations and insolvency.

This information is available from ARITA's website at artia.com.au/creditors.

ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at asic.gov.au (search for "insolvency information sheets").