EDDIE SENATORE
Advisory

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16 December 2024

To the creditor as addressed

Behemoth Canberra Pty Limited (In Liquidation) ACN 656 100 793 (the "Company")

Termination of Deed of Company Arrangement and liquidation of Company

I refer to my previous correspondence regarding the Deed of Company Arrangement ("Deed") for the Company.

The Deed has been terminated *by resolution of creditors* on 16 December 2024 and I have been appointed Liquidator.

Enclosed is a formal notice on the termination of the Deed of Company Arrangement.

Next steps

I will be proceeding with the liquidation, including conducting investigations, and will report to you by 16 March 2025 on the likelihood of a dividend and other matters. Please find attached an information sheet setting out your rights as a creditor in the liquidation.

Please contact my office should you require further information.

Yours faithfully

Ezio (Eddie) Senatore

Digitally signed by Ezio (Eddie) Senatore
Date: 2024.12.16 21:12:16 +10'00'

Ezio (Eddie) Senatore
Liquidator

Appointment dates:	Liquidation	16 December 2024
	Deed of Company Arrangement	12 July 2024
	Voluntary Administration	19 May 2023
Contact name:	Eddie Senatore	
Email:	hello@eddiesenatore.com / administration@eddiesenatore.com	

Encl

Notice of termination of Deed of Company Arrangement
Creditor rights information sheet

ABN 23 108 190 316 LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION.

ASIC
Australian Securities and Investments Commission

Electronic Lodgement

Document No. **7EDE00747**

Lodgement date/time: 16-12-2024 18:38:30
Reference Id: 206612956

Notice of termination of deed of company arrangement

Form 509G

Corporations Act 2001 450D(a)

If there is insufficient space in any section of the form, you may photocopy the relevant page(s) and submit as part of this lodgement

Liquidator details

Liquidator number **15904**

Given names **EZIO MARCO**

Family name **SENATORE**

Company details

ACN **656 100 793**

Company name **BEHEMOTH CANBERRA PTY LTD**

Notice under section 450D

The creditors of the company, at a meeting convened under section 75-10, 75-15, 75-20, 75-40 or 90-21 of Schedule 2, passed a resolution under paragraph 445C(b) terminating the deed of company arrangement on:

16-12-2024

At this meeting did the creditors of the company also resolve under section 445E that the company be wound up?

Yes

Authentication

This form has been authenticated by

Name EZIO MARCO SENATORE

This form has been submitted by

Name Ezio SENATORE

Date 16-12-2024

Payment

You need to pay the fee (and any late fees if required) by Bpay or cheque in accordance with the instructions on your invoice

For more help or information

Web www.asic.gov.au
Ask a question? www.asic.gov.au/question
Telephone 1300 300 630

Creditor Rights in Liquidations

As a creditor, you have rights to request meetings and information or take certain actions:

If a simplified liquidation process is adopted, these rights are effectively limited to the right to request information.

Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors. The right to request meetings, including in the circumstances described below, is not available if a simplified liquidation process is adopted.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by ≥ 5% of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

- > 10% but < 25% of the known value of creditors on the condition that those creditors provide security for the cost of holding the meeting
- ≥ 25% of the known value of creditors
- creditors by resolution, or
- a Committee of Inspection (this is a smaller group of creditors elected by, and to represent, all the creditors).

If a request complies with these requirements and is 'reasonable', the liquidator must hold a meeting of creditors as soon as reasonably practicable.

Right to request information

Liquidators will communicate important information with creditors as required in a liquidation. In addition to the initial notice, you should receive, at a minimum, a report within the first three months on the likelihood of a dividend being paid.

Additionally, creditors have the right to request information at any time. A liquidator must provide a creditor with the requested information if their request is 'reasonable', the information is relevant to the liquidation, and the provision of the information would not cause the liquidator to breach their duties.

A liquidator must provide this information to a creditor within 5 business days of receiving the request, unless a longer period is agreed. If, due to the nature of the information requested, the liquidator requires more time to comply with the request, they can extend the period by notifying the creditor in writing.

Requests must be reasonable.

They are not reasonable if:

Both meetings and information:

(a) complying with the request would prejudice the interests of one or more creditors or a third party
(b) there is not sufficient available property to comply with the request
(c) the request is vexatious

Meeting requests only:

(d) a meeting of creditors dealing with the same matters has been held, or will be held within 15 business days

Information requests only:

(e) the information requested would be privileged from production in legal proceedings
(f) disclosure would found an action for breach of confidence
(g) the information has already been provided
(h) the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

Specific queries about the liquidation should be directed to the liquidator's office.

Right to give directions to liquidator

Creditors, by resolution, may give a liquidator directions in relation to a liquidation. A liquidator must have regard to these directions, but is not required to comply with the directions.

If a liquidator chooses not to comply with a direction given by a resolution of the creditors, they must document their reasons. An individual creditor cannot provide a direction to a liquidator.

If a simplified liquidation process is adopted, you may not be able to give directions, because meetings cannot be held to pass a resolution.

Right to appoint a reviewing liquidator

Creditors, by resolution, may appoint a reviewing liquidator to review a liquidator's remuneration or a cost or expense incurred in a liquidation. This right is not available if a simplified liquidation process is adopted. The review is limited to:

- remuneration approved within the six months prior to the appointment of the reviewing liquidator, and
- expenses incurred in the 12 months prior to the appointment of the reviewing liquidator.

The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

An individual creditor can appoint a reviewing liquidator with the liquidator's consent, however the cost of this reviewing liquidator must be met personally by the creditor making the appointment.

Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator. This right is not available if a simplified liquidation process is adopted, because meetings cannot be held.

To replace a liquidator, there are certain requirements that must be complied with:

Meeting request	Information and notice	Resolution at meeting
A meeting must be reasonably requested by the required number of creditors. Creditors must inform the existing liquidator of the purpose of the request for the meeting.	Creditors must determine who they wish to act as the new liquidator (this person must be a registered liquidator) and obtain: ▪ Consent to Act, and ▪ Declaration of Independence, Relevant Relationships and Indemnities (DIRRI). The existing liquidator will send a notice of the meeting to all creditors with this information.	If creditors pass a resolution to remove a liquidator, that person ceases to be liquidator once creditors pass a resolution to appoint another registered liquidator.

For more information, go to www.arita.com.au/creditors.
Specific queries about the liquidation should be directed to the liquidator's office.