

Our ref: MC PG/LI/2.4

6 September 2017

insolvency
turnaround
forensics
advisory

TO THE CREDITOR AS ADDRESSED

Dear Sir/Madam

**VICTORIA STATION CORPORATION PTY LTD
(IN ITS OWN CAPACITY AND IN ITS CAPACITY AS THE PARTNERSHIP MANAGER
OF "THE VICTORIA STATION CORPORATION PARTNERSHIP")
(FORMERLY TRADING AS "VICTORIA STATION", "KATE HILL" AND "VICTORIA STATION CLEARANCE")
(ADMINISTRATORS APPOINTED)
A.C.N. 104 082 797
A.B.N. 20 116 780 644**

**VICTORIA STATION SERVICES PTY. LTD.
(AS TRUSTEE FOR "VICTORIA STATION SERVICES TRUST")
(ADMINISTRATORS APPOINTED)
A.C.N. 074 633 533
A.B.N 14 546 176 624**

**MICHAEL HARTZ PTY LTD
(AS TRUSTEE FOR "THE MICHAEL RAITER FAMILY TRUST")
(ADMINISTRATORS APPOINTED)
A.C.N. 104 083 598**

**PAUL HARTZ PTY LTD
(AS TRUSTEE FOR "THE PAUL RAITER FAMILY TRUST")
(ADMINISTRATORS APPOINTED)
A.C.N. 104 084 693**

I refer to our appointment as Administrators of the abovenamed Companies on 2 May 2017.

I advise that due to the complexities and uncertainties associated with various elements of these administrations, I have lodged an application with the Supreme Court of Victoria on 31 August 2017 seeking directions and/or declarations from the Court on a number of matters including the following:

- Whether Victoria Station Corporation Pty Ltd conducted the retail business of "Victoria Station" and "Kate Hill" (the Business) in its own right, for and on its own behalf, or in its capacity as the appointed manager of the Victoria Station Corporation Partnership (VSC Partnership) pursuant to a Partnership Agreement dated 27 August 2003.
- Whether Victoria Station Services Pty Ltd entered into lease agreements for various premises from which the Business was conducted in its own right, for and on its own behalf; or for Victoria Station Corporation Pty Ltd or the VSC Partnership and therefore for and on behalf of the VSC Partnership.

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RESPECT SERVICE TEAMWORK

- Whether the assets currently held by the Administrators are beneficially owned by either Victoria Station Corporation Pty Ltd or the VSC Partnership.
- Should the Court find that the business was operated by the VSC Partnership, that leases were entered into on behalf of the VSC Partnership and that the assets are beneficially owned by the VSC Partnership, how those assets are then to be distributed:
 - a. In accordance with the Partnership Act 1958 (Vic) and the Partnership Agreement and therefore on a *parri passu* basis; or
 - b. In accordance with the Corporations Act 2001, such that the statutory priorities apply; or
 - c. On some other basis.


In addition to the above, we have also sought ancillary orders from the Court. The orders sought are summarised as follows:

1. A further extension to the time for convening the Second Meeting of Creditors for a further four (4) weeks following the Courts determination of the application;
2. Pursuant to the Partnership Act 1958 (VIC), the Court decrees the dissolution of the VSC Partnership.
3. That the Administrators be appointed without security as Receivers and Managers over all assets and undertaking of The VSC Partnership and the Companies noted above.
4. That the Administrators have the powers that a Liquidator has in respect of property of a Company and that they have the power to sell and convert into cash any of the Assets.
5. That the Administrators are granted an indemnity/equitable charge over the assets for their reasonable costs and expenses since their appointment for various work undertaken during the course of the administration and that such costs and expenses are to be paid in priority to distribution to the general body of creditors.

The application is returnable before an Associate Judge in the Supreme Court of Victoria, Ground Floor, 436 Lonsdale Street, Melbourne, Victoria on Wednesday, 20 September 2017 at 10.30am.

I note that the application and the associated affidavits filed with the Court are voluminous and therefore I have not included same with this Notice. Should you wish to discuss this matter and /or receive a copy of the application/associated affidavits please contact either Mr Simon Krampel or Ms Lisa Isaac of this office on (03) 9669 1100 or by email to simon.krampel@svp.com.au or lisa.isaac@svp.com.au.

Yours faithfully



**PETER GOUNTZOS
JOINT AND SEVERAL ADMINISTRATOR**