

24 January 2025

CIRCULAR TO CUSTOMERS

insolvency
turnaround
forensics
advisory

Dear Customers,

**CLARKE HOMES PTY LTD (ADMINISTRATORS APPOINTED)
FORMERLY KNOWN AS 'HOTONDO HOMES CENTRAL COAST'
ACN 618 390 739 (the Company)**

Joshua Lee-Robb and I were appointed as Joint and Several Administrators of the Company on 24 January 2025 pursuant to a resolution of the Company's Director and we attach copy of the appointment document for your records.

We confirm that the Company's business ceased to trade on our appointment.

We have been working with the Company to obtain all the Company's books and records including information on customer projects. It is our intention to assist customers as much as possible through this process.

We acknowledge that every case is unique and may require a different approach. Customers should take their own legal advice in relation to the impacts of the insolvency appointment. Further updates will be provided to all customers. We provide the following preliminary information based on information known to date:

Insurance

The Company has advised that the business insurance that covers public liability, property damage and theft may not be current.

The Company nor the Administrators make any representation or warranty as to whether any property or customer is covered by any insurance policies. Customers should seek their own independent legal advice in respect of the position, their property and any related insurance position. Customers should also contact an insurance broker were considering putting in place insurance for their property.

Home building Compensation Fund (HBC)

Home building compensation (HBC) cover (formerly known as home warranty insurance), helps to protect homeowners if their builder:

- is unable to complete building work or fix defects because of insolvency, licence suspension, death, or disappearance; or
- cannot honour their warranty obligations.

You may be eligible to make a claim under the Company's policy issued by the HBC Fund. We have attached at **Annexure A** which includes the HBCF Claims Information sheet for Homeowners to provide further information.

A link to the HBC Fund is below:

[The Home Building Compensation Fund \(hbcf\) | icare](#)

Temporary fencing, security or scaffolding

Some customers will have temporary fencing, security requirements or scaffolding on their property. Please note that each customer will need to engage directly with the fencing, security and scaffolding providers in relation to their own ongoing arrangements should they wish to maintain these services.

The Company was utilising Flexxi Fence and ATF Services on projects. Their contact details are below:

Flexxi Fence
accounts@flexxifence.com.au
1300 353 994

ATF Services Pty Ltd
Yogita.Nair@atfservices.com.au
02 8860 8117

We suggest that customers contact the providers directly in relation to any ongoing arrangements with them. In circumstances where a customer cannot reach an agreement with the current provider of temporary fencing or scaffolding at their site, the provider may be entitled to collect these items without notice to you.

Options for completing your home build

The Director informed our office that prior to our appointment, he was in discussions with a potential replacement builder to ascertain whether they would be willing to accept an assignment of the existing contracts or to conduct further works to complete projects. We will make contact with this builder to determine if this is a potential option for home owners to consider.

Further updates on the status of the above will be provided to customers in the coming weeks. We appreciate that this is a stressful time for all stakeholders and thank you for your continued patience in this matter.

Should you have any questions or require further information regarding this matter, please contact Claudia Atai of this office on (02) 8986 8986 or clarkehomes@svp.com.au of this office.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Jason Porter". The signature is written in a cursive, flowing style.

JASON LLOYD PORTER

JOSHUA LEE ROBB

JOINT AND SEVERAL ADMINISTRATORS

Form 505

Corporations Act 2001
**415(1), 427(2), 427(4), 450A(1)(a),
499(2C)(a) & (b), 537(1) & (2),**
Insolvency Practice Rules (Corporations) 2016
s70-60(2)
Corporations Regulations 2001
5.3B.50, 5.3B.54, 5.5.06

External Administration or Controllership Appointment of an administrator or controller

Liquidator details

Registered liquidator number

411715

Registered liquidator name

JASON LLOYD PORTER

Company details

Company name

CLARKE HOMES PTY LTD

ACN

618 390 739

Industry division

CONSTRUCTION

Industry group

Residential Building Construction

ANZSIC Code

301

Add a new appointment

Appointee details

Liquidator No. **411715**

Person Name

JASON LLOYD PORTER

Address

**S V PARTNERS, LEVEL 7 151
CASTLEREAGH STREET SYDNEY NSW
2000 Australia**

Type of Appointment **Appointed Jointly and Severally**

Appointee details

Liquidator No. **494575**

Person Name

JOSHUA-LEE ROBB

Address

**SV PARTNERS, SUITE 2 LEVEL 1 1
MARKET STREET NEWCASTLE NSW
2300 Australia**

Type of Appointment **Appointed Jointly and Severally**

Appointment Details

Provide the date of appointment.

24-01-2025

Type of administrator

Administrator

Method of appointment

**appointment by company under writing
under its common seal**

Authentication

This form has been authenticated by

Name **JASON LLOYD PORTER**

This form has been submitted by

Name **Jason Lloyd PORTER**

Date **24-01-2025**

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

ANNEXURE A

For Homeowners



HBCF Homeowner Claims Fact Sheet



We hope that this information will help you (the homeowner) to understand the steps in the icare Home Building Compensation Fund (HBCF) **Claims Management process**. For concise and clear information about your **Home Building Compensation insurance policy**, refer to the [HBCF Claims Information for Homeowners](#).

When can you make a claim?

To establish *grounds for a claim* against your builder for faulty or incomplete work, an insurable **'trigger event'** must have occurred.

Trigger events

Your insurance policy is only activated if a **'trigger event'** occurs and you are unable to recover from the builder because of it. **Trigger events** are:

- the builder dies
- the builder becomes insolvent
- the builder disappears
- the builder's licence is suspended because they failed to comply with an NCAT or Court order to pay you.

What are the policy insurance periods?

The *Home Building Act 1989* sets these insurance periods. A claim is only valid if made within them.

Incomplete work

- **within twelve months** of the date the work stopped or failed to start

Completed work

- **within six years** of the date of completion **for major defects**
- **within two years** of the date of completion **for other defects**

Note: Refer to your policy for definitions of defects.

How do I lodge a notification?

You can send a **Loss Notification form** to the icare HBCF **before** the grounds for a claim are established.

You must notify icare HBCF of your loss within your insurance periods.

Your notification will protect your claim rights, so you may be able to make a claim after the insurance periods expire.

If you don't notify within the insurance periods, you may not be able to claim later.

The HBCF Loss Notification form and contact details are available on the icare HBCF website: <https://www.icare.nsw.gov.au/builders-and-homeowners/homeowners/claims>.

The form should include as much detail about any incomplete work, defective work, and any other losses you think you may need to claim later.

How do I lodge a claim?

You can **lodge a claim** when the grounds for a claim are established.

Note: To avoid delays and help the claims manager assess the claim, please provide all the relevant documentation requested in the HBCF Claim form and any receipts, invoices, statements, and other payment details that support your claim.

The **HBCF Claim form** and contact details are available on the icare HBCF website: <https://www.icare.nsw.gov.au/builders-and-homeowners/homeowners/claims>.

How is the claim assessed?

icare HBCF may appoint a building consultant to visit your property, do an inspection and review the items on the claim form. You will need to give the building consultant access to the property and it's usually best if you are there during the inspection.

The building consultant will give icare HBCF a detailed report, with the reasons for their opinion on each claimed item.

icare HBCF will review all the information we have and assess what the policy will cover. Then we will send you a determination letter that includes the building consultant's report and lists all items the policy covers.

The determination letter will include decisions on each of the items you claimed. If you agree to these decisions, icare HBCF will start to source quotations for the work. You can nominate your own builder or any licensed builder to submit a quotation.

Note: icare HBCF tries to determine claims within 90 days, but some claims are very complex and have unique issues. For these claims, we will estimate how much longer it will take and ask you to agree to a new date for our determination.

icare HBCF will determine the most appropriate quotation. If you use a different builder that charges more, you will need to pay the difference.

Interim payments during assessment

While you're waiting for icare HBCF to assess your claim, **you may be eligible** for some financial relief. **If applicable**, icare HBCF may settle incurred costs and make payments for:

- reasonable legal and other costs of pursuing the builder
- storage fees
- alternative accommodation

icare HBCF will send you a detailed Settlement letter each time they make a payment.

How is the claim settled?

Typically, icare HBCF makes progress payments to the rectifying builder. Depending on the specific details of the settlement, icare HBCF may agree to a different arrangement.

When is the claim closed?

The claim is closed once icare HBCF has made the final payment, according to your settlement with us.



Extended claim periods

In special circumstances, you may have the benefit of an extended claim period or make a delayed claim.

■ **Note:** You must notify icare HBCF of your loss within the insurance periods to qualify.

The HBC insurance policy defines the requirements and entitlements covering extended claim periods and delayed claims.

Claims management service standards

icare HBCF service standards are defined in *Claims Information for Homeowners*.

For detailed information refer to [Claims Information for Homeowners](#) on the icare website.

Caring for your mental health

Dealing with building work problems can be very stressful, so icare HBCF offers the services of Acacia Psychology to help you through it.

Call Acacia Psychology for a confidential counselling session on 1300 078 489.

■ **Note:** This document contains general information only. It is not specific to the circumstances of your policy or claim. You should not rely upon this document for specific policy or claim issues. You should raise those issues with icare HBCF.



enquiries.hbcf@icare.nsw.gov.au
02 8278 0560
icare.nsw.gov.au