

ANNEXURE

1. The without notice originating application made by **REES GRAHAM LOGAN**, **ADAM PAULS NIKITINS** and **STEWART ALEXANDER MCCALLUM** of Ernst & Young Auckland (together, the **Applicants**) on the 31st day of March 2020 was determined by the Honourable Justice Edwards on the 1st day of April 2020.
2. The determination was made following a teleconference hearing on 1 April 2020 at which Messrs D T Broadmore and L C Sizer appeared for the Applicants.
3. The following orders were made:
 - (a) that any notices or other documents the Applicants are required, or may elect, to give under Part 15A of the Companies Act 1993 (**Act**), and in particular, under ss 239AO(2) and 239AU, be sent using the following methods:
 - (i) posting a copy on EncoreFX (NZ) Limited's (Administrators Appointed) (**EncoreFX**) website; and
 - (ii) emailing a copy to the email address by which EncoreFX normally communicates with the creditor, or such other email address that the creditor may designate to the Applicants;
 - (b) the first creditors' meeting under s 239AN of the Act ("**First Creditors' Meeting**") may be held in accordance with cl 1 of Schedule 5 of the Act, including by audio and/or visual link;
 - (c) that any creditor may exercise the right to vote at the First Creditors' Meeting only by casting a postal vote using email or any other electronic means permitted by the Applicants ("**Electronic Vote**");
 - (d) if the outcome of the Electronic Vote is to appoint a creditors' committee or to appoint replacement administrators such that a further vote is required for the purposes of the First Creditors' Meeting, the procedure for any further vote will be determined at the First Creditors' Meeting (in accordance with cl 10, sch 5 of the Act);
 - (e) that any documents required to be tabled at the First Creditors' Meeting (including the interests statement under s 239 AP of the Act) may be

tabled by the means approved by this Court for giving notices under Part 15A of the Act (in paragraph 3(a) above);

- (f) that the Applicants serve a copy of these orders on EncoreFX's creditors as soon as is reasonably practicable by the means approved by this Court for giving notices under Part 15A of the Act (in paragraph 3(a) above);
- (g) the Applicants' solicitor/client costs of this application be an expense incurred by the Applicants in carrying out their duties as administrators of EncoreFX; and
- (h) that leave by reserved for:
 - (i) the Applicants to apply to extend these orders, as they relate to the First Creditors' Meeting, to any further creditors' meetings under Part 15A of the Act; and
 - (ii) any affected party to apply on notice to the Administrators and EncoreFX for variation of these orders;

(Registrar/Deputy Registrar)

Sealed this

day of

2020