

Common Form 48 - ORDER TO CONVENE MEETING OF CREDITORS

(Section 411 of Corporations Act 2001 (Cth))

Judicial Officer: The Honourable Justice
His/Her Honour Judge
[Master of the Supreme Court]

Date of application:*[DD/MM/YYYY]*

Application made by:*[Party] [Name]*

Date(s) of hearing [if any]:*[DD/MM/YYYY]*

Date of order:*[DD/MM/YYYY]*

Appearances:Solicitor/Counsel for the Plaintiff(s)
.....Solicitor/Counsel for *[Other Parties]*

Recitals [if any]:

[By consent] **THE COURT ORDERS that:**

1. *[Name of Company]* convene in accordance with this order separate meetings of its members and creditors for the purpose of considering and if thought fit approving (whether without modification) the compromise or arrangement proposed between the company and its members and creditors a copy of which is Schedule A to this order.
2. The meetings be convened:
 - (a) by sending by prepaid post to each of the members and creditors of the company at their registered or last known address by no later than *[Date]*:
 - (i) the written notice, a copy of which is Schedule B to this order;
 - (ii) a copy of the proposed compromise or arrangement;
 - (iii) a copy of the explanatory statement prepared pursuant to section 411 (3) of the Corporations Act; and
 - (iv) an appropriate form of proxy;and
 - (b) by advertisement, a copy of which is Schedule C to this order, being inserted once in the Commonwealth and State Government Gazettes, The Advertiser newspaper and The Australian newspaper by no later than *[Date]*.
3. The explanatory statement contain the following notation prominently displayed therein:

"The giving of directions by the Supreme Court of South Australia for the calling of meetings of members and creditors of the company does not in any way indicate that the Court has yet either approved of the contents of the explanatory statement or determined whether it complies with the provisions of the Corporations Act."

4. The meetings of the members and creditors of the company be held at [*Place*] at [*Time*] and [*Time*] respectively on the [*Date*].
5. [*Full Name and Address*] or failing *him/her* [*Full Name and Address*] be Chairperson of the meetings and report the respective results thereof to the Court.
6. If the meetings approved the compromise or arrangement (with or without modification) and the plaintiff seeks an order that the Court grant its approval of the compromise or arrangement the plaintiff must at least seven days prior to the date upon which the application has been listed for hearing serve by prepaid post on each of the members and creditors of the company at the addresses referred to above a notice in Form 6 prescribed by to in the Corporations Rules 2003 (South Australia).
7. Upon the application being listed for hearing the plaintiff must immediately give notice in writing of the hearing to the Australian Securities and Investments Commission and serve on the Commission copies of all affidavits intended to be used at the hearing which have not been previously served.
8. Further consideration of the application be adjourned.

[Other text, if applicable]

[*Reproduction of Court Seal*] This order is authenticated by.....
for Registrar

Computer File Reference.....