

Common Form 45 – ORDER APPOINTING PROVISIONAL LIQUIDATOR

(Section 472 (2) of Corporations Act 2001)

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 the Defendant
.....Solicitor/Counsel for *[Other Parties]*

Recitals [if any]:

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

1. *[Full Name and Address]* an official liquidator be and is hereby appointed provisional liquidator of the defendant *[Name of Company]*.
2. Unless and until further directions are given by the Court the provisional liquidator be at liberty to:
 - (a) take into custody or under control and protect the assets of the company and realise the same to the best advantage but not distribute all part with the proceeds of such realisation until further order;
 - (b) discharge rents salaries and other current expenses but so far only as may be necessary for the purpose of preserving the assets of the company or to protect the interests of creditors; and
 - (c) carry on the business of the company so far as may be necessary for the beneficial disposal winding up of the business.
3. The Plaintiff's (s') costs of the application and this order be costs in liquidation.
4. Further consideration of the application in be adjourned.
5. The Plaintiff (s), *[the person appointed pursuant to paragraph 1]*, and any other person interested may apply for further orders and directions.

[Other text, if applicable]

[Fit for counsel, if applicable]

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

Computer File Reference.....