

DUPLICATE

**In the High Court of New Zealand
Wellington Registry**

CIV-2018-485- 792

**I Te Kōti Matua o Aotearoa
Te Whanganui-ā-Tara Rohe**

Under the Receiverships Act 1993 and Part 19 of the High Court Rules

In the matter of Ebert Construction Limited (in receivership and liquidation)

Between

Lara Maree Bennett, John Howard Ross Fisk and Richard Michael Longman
Applicants

and

Ebert Construction Limited (in receivership and liquidation)

Respondent

and

Auckland Ventilation Services Ltd

First Interested Party

and

Taslo Steel Security Limited

Second Interested Party

Orders as to the receivership of the Retention Fund

Dated: 26 February 2020

 **Simpson Grierson**

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To: The subcontractor creditors of Ebert Construction Limited (in receivership and liquidation); and

Iain Shephard and Jessica Kellow as liquidators of Ebert Construction Limited (in receivership and liquidation)

1. The interlocutory application made by Lara Maree Bennett, John Howard Ross Fisk and Richard Michael Longman as receivers of the Ebert Retention Fund (the **Receivers**) on 29 November 2019 was determined by Justice Churchman on 26 February 2020.
2. The determination was made without a hearing.
3. The following orders were made:
 - (a) the Receivers may apply interest of \$44,742.15 held in the Retention Account, together with any interest which accrues on the Fund from 1 November 2019 to their fees, costs and expenses;
 - (b) the Receivers may make a distribution from the Fund to Ebert Construction Limited (in receivership and liquidation) of \$30,253.98 (with such amount to be adjusted for the pro-rated rate) relating to defective work carried out by subcontractors identified as Subcontractors A to F in the affidavit of Lara Maree Bennett sworn 29 November 2019 (the Bennett Affidavit);
 - (c) the Receivers may apply \$1,561.07 (with such amount to be adjusted for the pro-rated rate) from the Fund comprising entitlements waived by subcontractors identified in the Bennett Affidavit as Subcontractors G and H to their fees, costs and expenses;
 - (d) the Receivers may pay \$5,590.44 (with such amounts to be adjusted for the pro-rated rate) to the Commissioner of Inland Revenue as unclaimed monies owing to subcontractors identified in the Bennett Affidavit as Subcontractors I and J; and



- (e) the Receivers' fees, costs and expenses in the receivership of up to \$135,428 are approved.

Date: 26 February 2020

Signature: 
Registrar/Deputy Registrar

Denia Nunns

Deputy Registrar
of the High Court
of New Zealand

