IN THE HIGH COURT OF NEW ZEALAND AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA TĀMAKI MAKAURAU ROHE

CIV-2022-404-1993

UNDER Part 7 of the High Court Rules 2016 and Part 15A of

the Companies Act 1993

IN THE MATTER OF RUAPEHU ALPINE LIFTS LIMITED

(ADMINISTRATORS APPOINTED)

AND of an application by JOHN HOWARD ROSS FISK

and RICHARD JOHN NACEY, as Administrators of

RUAPEHU ALPINE LIFTS LIMITED (ADMINISTRATORS APPOINTED)

Applicants

JOINT MEMORANDUM OF COUNSEL IN SUPPORT OF WITHOUT NOTICE INTERLOCUTORY APPLICATION FOR ORDERS RELATING TO VOLUNTARY ADMINISTRATION

Dated: 18 November 2022

BUDDLE FINDLAY

Barristers and Solicitors Auckland

Solicitor Acting: **D T Broadmore / L C Sizer**

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MAY IT PLEASE THE COURT:

- This memorandum is filed in conjunction with a without notice interlocutory application by John Fisk and Richard Nacey as administrators (Administrators) of Ruapehu Alpine Lifts Ltd (in administration) (Company).
- 2. The application seeks orders under s 239ADO of the Companies Act 1993 (Act), as to the operation of s 239ADH of the Act. The orders are necessary for the Administrators to drawdown on a term loan facility executed on 17 November 2022 and given by the Company's two major secured creditors, ANZ Bank New Zealand Limited (ANZ) and Crown Regional Holdings Limited (CRHL).
- ANZ and CRHL have been served with a copy of the application and supporting documents. ANZ and CRHL consent to the orders sought in the application.
- The Court may well consider it can decide the Administrators' application on the papers. However, counsel for ANZ and CRHL are available to appear at short notice if that would assist the Court.

Dated: 18 November 2022

MIK

M Kersey

Counsel for ANZ Bank New Zealand Limited

M^D Arthur

Counsel for Crown Regional Holdings Limited

This document is filed by Matthew Kersey, solicitor for ANZ Bank New Zealand Limited whose address for service is at the offices of Russell McVeagh, Level 30,

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Vero Centre, 48 Shortland Street, Auckland 1010. Documents for service on the abovenamed may be left at that address or may be:

- 1. Posted to the solicitor at PO Box 8, Shortland Street, Auckland 1140; or
- Left for the solicitor at a document exchange for direction DX CX10085, Auckland; or
- 3. emailed to the solicitor at matt.kersey@russellmcveagh.com.

This document is filed by Michael David Arthur, solicitor for Crown Regional Holdings Limited whose address for service is at the offices of Chapman Tripp, Level 34, PwC Tower, 15 Customs Street West, Auckland 1010. Documents for service on the abovenamed may be left at that address or may be:

- 1. Posted to the solicitor at PO Box 2206, Auckland 1140; or
- 2. emailed to the solicitor at michael.arthur@chapmantripp.com.

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