

**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

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**Affidavit of David Ian Ruscoe in support of Applicants' originating application seeking orders that they be appointed as receivers to the Retention Fund and for orders relating to the distribution of that fund**

Sworn: 2 November 2018

For hearing: 8 November 2018

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**SIMPSON GRIERSON**  
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I, **David Ian Ruscoe**, of Wellington, Accountant, swear that:

1. I am, together with Timothy Downes, one of the liquidators of Ebert Construction Limited (in receivership and liquidation) (**Ebert**). We have been served with a copy of the Application in this proceeding.
2. We, as liquidators of Ebert, support the Applicants being appointed as receivers to the Fund (as defined in the affidavit of Ms Bennett) and seeking appropriate orders from the Court enabling them to manage and distribute the Fund.
3. I considered such an appointment is the most efficient and cost-effective way for the Fund to be managed and distributed.

Sworn at Wellington

on 2 November 2018



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David Ian Ruscoe

before me:



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A Solicitor of the High Court of  
New Zealand

**Colette Eliza Clayton**  
**Solicitor**  
**Wellington**