



Ebert Construction Limited (In Receivership) - “the Company”

Notice to Creditors

9 August 2018

If you are not already aware, Lara Bennett, Richard Longman, and John Fisk were appointed receivers of the Company on 31 July 2018 under the terms of a security agreement giving the holder a security interest in all of the assets and undertakings of the Company.

All debts due by the Company up to the date of our appointment are frozen as at that date and we ask that creditors complete the enclosed claim confirmation form in respect of all monies owed and return it, along with any supporting information, either to our offices or by email to restructuring@nz.pwc.com.

With regard to retentions, the Receivers are aware of the regime established under the Construction Contracts Act 2002 (CCA), requiring retentions in relation to contracts entered into after 31 March 2017 to be held on trust. Upon our appointment, certain funds were held in a separate account by the Company. We are currently reconciling the balance in this account to Company records and determining the conditions and appropriate processes under which those funds may be dealt with in accordance with the provisions of the CCA and any other relevant legislation. In the interim the funds that were held in a separate account continue to be held aside by the Receivers. Once the reconciliations and other assessments have been completed, we will contact all impacted creditors regarding the next steps. We ask that, in completing the enclosed claim confirmation form, creditors with retentions owing in relation to applicable contracts note that amount to assist with the reconciliation process.


Under the provisions of the Receiverships Act 1993, we will be preparing, no later than two months after our appointment, a report on the state of affairs of the Company. This report will be available on our webpage www.pwc.co.nz/ebert and also on the Companies’ Office website www.companies.govt.nz.


Should we wish to use the goods and / or services provided by your company, we will contact you directly to establish a new account in the name of Ebert Construction Limited (In Receivership). Any new account opened is subject to the following terms;

Terms of Trade

During the receivership period, the Receivers do not accept any liability to pay for any goods or services supplied to the Company unless they are supplied against a purchase order which has been signed by one of the authorised persons whose signatures are listed below:


Lara Bennett: 

Richard Longman: 

John Fisk: 



Orders for amounts less than \$10,000 may be authorised by the following members of the Receivers' staff:

Stephen White: _____

Richard Nacey: _____

All invoices should be made out to Ebert Construction Limited (In Receivership) and reference the purchase order number supplied.

Such approved orders are placed and any goods or services are supplied subject to the following terms:

- Charges for goods or services supplied subsequent to our appointment and properly authorised by the Receivers, or an approved person on their behalf, are afforded a preferential status in accordance with the Seventh Schedule of the Companies Act 1993.
- The supply of goods or services by the Company to you subsequent to our appointment cannot be set off against any debt due to you by the Company as at the date of our appointment. The Receivers do not have any liability under, and expressly refrain from adopting, any contracts of the Company which exist at the date of the receivership appointment.
- The Receivers act as agents of the Company and shall incur no personal liability under any circumstances.

If you have any queries in relation to the above, please contact Steve Farquhar of this office on (09) 355 8403 or steve.r.farquhar@nz.pwc.com.

Thank you for your assistance.

Yours faithfully
for **Ebert Construction Limited (In Receivership)**

A handwritten signature in black ink, appearing to read 'Lara Bennett', written over a horizontal line.

Lara Bennett
Receiver

encl.