**Heard Phillips Lieberenz Pty Ltd**

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# Circular to Creditors

**Temple Bruer Wines Pty Ltd (In Liquidation) ACN 008 173 813**
**Temple Bruer Properties Pty Ltd (In Liquidation) ACN 648 288 948**
**Temple Bruer Wines (Kingston Road) Pty Ltd (In Liquidation) ACN 607 087 365**
**Temple Bruer Estates Pty Ltd (In Liquidation) ACN 146 069 785**
**Collectively 'the Companies'**

The purpose of this circular is to provide you with information about the liquidation of the Companies and your rights as a creditor.

## 1.0 Notification of Appointment

At the meeting of creditors held on 7 September 2026, creditors of the Companies resolved that the Companies be wound up under Section 439C(c) of the *Corporations Act 2001* ("**Act**") and we were appointed Liquidators of the Companies.

A copy of our replacement Declaration of Independence, Relevant Relationships and Indemnities ("**DIRRI**") was provided to creditors with our circulars dated 28 August 2026. There have been no changes to the information disclosed in that replacement DIRRI since it was provided to creditors.

## 2.0 Trading

The Companies have ceased to trade.

## 3.0 What Happens to Your Debt?

All creditors of the Companies are now creditors in the liquidation of the relevant entity. As a creditor, you have certain rights, although your debt will be dealt with in the liquidation.

## 4.0 Your Rights as a Creditor

Information regarding your rights as a creditor is provided in the information sheet included in **Annexure A**. This includes your rights to:

- make reasonable requests for a meeting;
- make reasonable requests for information;
- give directions to us;
- appoint a reviewing liquidator; or
- replace us as liquidators.

In order to claim as a creditor in the liquidation, you must complete and return to us a formal Proof of Debt, together with all relevant supporting documentation. If you have already lodged a claim during the voluntary administration, you do not need to lodge it again. A Proof of Debt is attached in **Annexure B** to this report.

## 5.0 What Happens Next?

We will proceed with the liquidation, including:

- realising the remaining assets of the Companies;
- assisting the former employees of Temple Bruer Wines Pty Ltd (In Liquidation) with FEG claims;
- declaring a priority dividend to employees of Temple Bruer Wines Pty Ltd (In Liquidation); and
- reporting to the Australians Investments and Securities Commission.

If we receive a reasonable request for a meeting that complies with the guidelines set out in the creditor rights information sheet, we will hold a meeting of creditors.

Whether a meeting is held or not, we will write to you within three (3) months of our appointment advising whether a dividend is likely in each of the Companies.

## 6.0 Costs of the Liquidation

Creditors were provided with Remuneration Approval Reports on 26 June 2026 and 28 August 2026 for the voluntary administration period. We will provide a Remuneration Approval Report for our fees and internal disbursements for the liquidation of the Companies in our Statutory Reports to Creditors which will be issued by no later than 7 December 2026.

## 7.0 Further Information

The Australian Restructuring Insolvency and Turnaround Association ("**ARITA**") provides information to assist creditors with external administrations and insolvency. This information is available from ARITA's website at www.arita.com.au.

If you have any queries regarding the liquidations of the Companies, please contact of our office.

Dated this 7th day of September 2026

VMYoung

Andrew Heard and Victoria Young
**Joint and Several Liquidators**

Contact: Judy Miring'u
Email: jmiringu@hplca.com.au

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## Annexure A

Advisory · Restructuring · Solvency

# Creditor Rights in Liquidations

ARITA
AUSTRALIAN RESTRUCTURING INSOLVENCY & TURNAROUND ASSOCIATION

As a creditor, you have rights to request meetings and information or take certain actions:

Right to request a meeting → Right to request information → Right to give directions to liquidator → Right to appoint a reviewing liquidator → Right to replace liquidator

If a simplified liquidation process is adopted, these rights are effectively limited to the right to request information.

## Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors. The right to request meetings, including in the circumstances described below, <u>is not</u> available if a simplified liquidation process is adopted.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by ≥ 5% of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

- > 10% but < 25% of the known value of creditors on the condition that those creditors provide security for the cost of holding the meeting
- ≥ 25% of the known value of creditors
- creditors by resolution, or
- a Committee of Inspection (this is a smaller group of creditors elected by, and to represent, all the creditors).

If a request complies with these requirements and is 'reasonable', the liquidator must hold a meeting of creditors as soon as reasonably practicable.

## Right to request information

Liquidators will communicate important information with creditors as required in a liquidation. In addition to the initial notice, you should receive, at a minimum, a report within the first three months on the likelihood of a dividend being paid.

Additionally, creditors have the right to request information at any time. A liquidator must provide a creditor with the requested information if their request is 'reasonable', the information is relevant to the liquidation, and the provision of the information would not cause the liquidator to breach their duties.

A liquidator must provide this information to a creditor within 5 business days of receiving the request, unless a longer period is agreed. If, due to the nature of the information requested, the liquidator requires more time to comply with the request, they can extend the period by notifying the creditor in writing.

**Requests must be reasonable.**

**They are not reasonable if:**

Both meetings and information:

(a) complying with the request would prejudice the interests of one or more creditors or a third party
(b) there is not sufficient available property to comply with the request
(c) the request is vexatious

Meeting requests only:

(d) a meeting of creditors dealing with the same matters has been held, or will be held within 15 business days

Information requests only:

(e) the information requested would be privileged from production in legal proceedings
(f) disclosure would found an action for breach of confidence
(g) the information has already been provided
(h) the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

Specific queries about the liquidation should be directed to the liquidator's office.

## Right to give directions to liquidator

Creditors, by resolution, may give a liquidator directions in relation to a liquidation. A liquidator must have regard to these directions, but is not required to comply with the directions.

If a liquidator chooses not to comply with a direction given by a resolution of the creditors, they must document their reasons. An individual creditor cannot provide a direction to a liquidator.

If a simplified liquidation process is adopted, you may not be able to give directions, because meetings cannot be held to pass a resolution.

## Right to appoint a reviewing liquidator

Creditors, by resolution, may appoint a reviewing liquidator to review a liquidator's remuneration or a cost or expense incurred in a liquidation. This right is not available if a simplified liquidation process is adopted. The review is limited to:

- remuneration approved within the six months prior to the appointment of the reviewing liquidator, and
- expenses incurred in the 12 months prior to the appointment of the reviewing liquidator.

The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

An individual creditor can appoint a reviewing liquidator with the liquidator's consent, however the cost of this reviewing liquidator must be met personally by the creditor making the appointment.

## Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator. This right is not available if a simplified liquidation process is adopted, because meetings cannot be held.

To replace a liquidator, there are certain requirements that must be complied with:

| Meeting request | Information and notice | Resolution at meeting |
|---|---|---|
| A meeting must be reasonably requested by the required number of creditors.<br><br>Creditors must inform the existing liquidator of the purpose of the request for the meeting. | Creditors must determine who they wish to act as the new liquidator (this person must be a registered liquidator) and obtain:<br>▪ Consent to Act, and<br>▪ Declaration of Independence, Relevant Relationships and Indemnities (DIRRI).<br><br>The existing liquidator will send a notice of the meeting to all creditors with this information. | If creditors pass a resolution to remove a liquidator, that person ceases to be liquidator once creditors pass a resolution to appoint another registered liquidator. |

**For more information, go to www.arita.com.au/creditors.**
**Specific queries about the liquidation should be directed to the liquidator's office.**

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## Annexure B

FORM 535

*Subregulation 5.6.49(2)*
*Corporations Act 2001*

## FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidators of:

☐ **Temple Bruer Wines Pty Ltd (In Liquidation) ACN 008 173 813**
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This is to state that the above Company was on 29 May 2026, and still is, justly and truly indebted to: ______________________

______________________________________________________________________

______________________________________(full name, ABN and address of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor) for ______________ dollars and _____cents

Particulars of the debt are: (Please attach any supporting documents you wish to rely on)

| Date | Consideration<br>(*state how the debt arose*) | Amount<br>$ | Remarks<br>(*include details of voucher substantiating payment)* |
|---|---|---|---|
| | | | |

1. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following: ______________________________________________

   ______________________________________________________________________

   (insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form).

| Date | Drawer | Acceptor | Amount<br>$ | Due Date |
|---|---|---|---|---|
| | | | | |

2. Signed by (select option):

| | |
|---|---|
| ☐ | I am the creditor personally. |
| ☐ | I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied. |
| ☐ | I am the creditor's agent authorised in writing to make this statement in writing. I know the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied. |

Signature: ______________________________________ Dated: ______________

Name: __________________________ Occupation: ______________________________

Address: ______________________________________________________________

| **RECEIVE REPORTS BY EMAIL** | Yes | No |
|---|---|---|
| Do you wish to receive all future reports and correspondence from our office via email? | ☐ | ☐ |
| Email:........................................................................................ | | |