



Federal Court of Australia

District Registry: Queensland

Division: General

No: QUD147/2021

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

PE CAPITAL FUNDS MANAGEMENT LIMITED and another named in the schedule

Defendants

ORDER

JUDGE: JUSTICE CHEESEMAN

DATE OF ORDER: 09 February 2022

WHERE MADE: Sydney

THE COURT ORDERS THAT:

WINDING UP ORDERS

PE Capital Funds Management Ltd (external administrators appointed)

1. Pursuant to section 461(1)(k) of the *Corporations Act 2001* (Cth), the first defendant, PE Capital Funds Management Limited (external administrators appointed), be wound up.
2. Andrew Fielding of BDO Restructuring Pty Ltd (the **Liquidator**) is appointed as liquidator of the first defendant.
3. Pursuant to section 467(1)(c) of the Act, the administration of the first defendant, PE Capital Funds Management Limited (external administrators appointed), ends.

Registered Schemes

4. Pursuant to section 601ND(1)(a) of the Act, the following registered schemes be wound up:
 - (a) the PE Capital Master Fund (ARSN 117 940 799) (formerly known as the Skylight Capital Build-Up Fund);



- (b) the three so-called “sub-funds” of the PE Capital Master Fund, namely the PE Capital Commercial Property Income Fund, the PE Capital Asia Diversified Income Fund and the PE Capital Asia Wholesale Opportunities Fund; and
- (c) the PE Capital Monthly Yield Fund (ARSN 103 557 900) (formerly known as the Film Opportunities Fund);

(together, the **Registered Schemes**).

- 5. Pursuant to section 601NF(1) of the Act, the Liquidator is responsible for the winding-up of the Registered Schemes.

Unregistered Schemes

- 6. Pursuant to section 601EE(2) of the Act, the following managed investment schemes be wound up:

- (a) the PE Capital Asia Wholesale Opportunities Fund;
- (b) the PE Capital Asia Wholesale Diversified Income Fund;
- (c) the PE Capital Property Development Opportunities Fund (P Fund) (also referred to as the “P1 Fund”); and
- (d) the PE Capital Property Development Opportunities Fund (P3 Fund).

(together, the **Unregistered Schemes**).

- 7. Pursuant to section 601EE(2) of the Act, the Liquidator is responsible for the winding-up of the Unregistered Schemes.

DECLARATIONS

- 8. The plaintiff is to submit short minutes of order to give effect to these reasons by email to the Associate to Justice Cheeseman by 11 February 2022.
- 9. Leave to apply.

RULE 2.4(2) FEDERAL COURT (CORPORATIONS) RULES 2000 (CTH)

- 10. Pursuant to rule 1.3(2) of the *Federal Court (Corporations) Rules 2000* (Cth) and rule 1.32 of the *Federal Court Rules 2011* (Cth) or, alternatively, rule 2.4(1) of the *Federal Court (Corporations) Rules 2000* (Cth), the requirement in rule 2.4(2) of the *Federal Court (Corporations) Rules 2000* (Cth) is dispensed with.



COSTS

11. The first defendant pay the plaintiff's costs of the proceeding.

Date that entry is stamped: 09 February 2022

Sia Lagos
Registrar



Schedule

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Second Defendant ENDEAVOUR SECURITIES (AUSTRALIA) LIMITED