



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID558/2024

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

UNITED GLOBAL CAPITAL PTY LTD and another named in the schedule

Defendants

ORDER

JUDGE: Justice Neskovicin

DATE OF ORDER: 3 October 2024

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

Winding up on just and equitable grounds

1. Pursuant to section 461(1)(k) of the *Corporations Act 2001* (Cth), the Second Defendant, Global Capital Property Fund Limited (**GCPF**), be wound up.
2. Ross Andrew Blakeley and Kelly-Anne Lavina Trenfield of FTI Consulting be appointed as joint and several liquidators of GCPF.
3. ASIC are to provide the joint and several liquidators with copies of such books and records relating to GCPF which have been obtained by ASIC under Part 3, Division 3 of the *Australian Securities and Investments Act 2001* (Cth), that the joint and several liquidators reasonably request in writing for the purpose of performing their duties.

Non-Publication Orders

4. Orders 8 and 9 of the orders made on 20 June 2024 and Order 1 of the orders made on 25 June 2024 (relating to non-publication of material filed by ASIC in this proceeding) are vacated.



Freezing Orders

5. Paragraph 13 of the orders made on 20 June 2024 (commencing with the words ‘The order in paragraph 12 above shall not prevent’) is varied to add the following subparagraph:

- (a) Ross Andrew Blakeley and Kelly-Anne Lavina Trenfield of FTI Consulting in their capacity as joint and several liquidators of the second defendant, or anyone authorised by them, from taking any action in relation to the Property of the Second Defendant.’

AND THE COURT ORDERS THAT:

Costs

6. GCPF pay ASIC’s costs of GCPF’s interlocutory application filed on 29 August 2024.
7. GCPF pay ASIC’s costs of the winding up application filed on 9 September 2024 to be agreed, or failing agreement, to be taxed.
8. ASIC’s costs of the winding up application be paid out of the property of GCPF in accordance with s 466(2) of the Corporations Act.
9. GCPF otherwise pay ASIC’s costs of the proceeding as against it.

Other matters

10. Liberty to apply.

Date orders authenticated: 3 October 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

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Second Defendant

GLOBAL CAPITAL PROPERTY FUND LIMITED (ACN 635
565 070)