

ASIC notice of Supreme Court application to wind up Ready Flowers Pty Ltd.

Australian Securities & Investments Commission



NOTE :

The florist's lawyer said the matter was settled, while the respondent's lawyer said the matter was dismissed because the wrong entity was sued i.e, Ready Flowers AU instead of Ready Flowers HK, both being entities of Hegarty family members in Perth Western Australia.

Form 519
Corporations Act 2001
465A 470(1)(a) (b) & (c)

Notification of court action relating to winding-up

If there is insufficient space in any section of the form you may photocopy the relevant page(s) and submit as part of this lodgement

Company details

Company name

ACN/ABN

Lodgement details

An image of this form will be available as part of the public register

Who should ASIC contact if there is a query about this form?
ASIC registered agent number (if applicable)

Firm/organisation

Contact name/position description

Telephone number (during business hours)

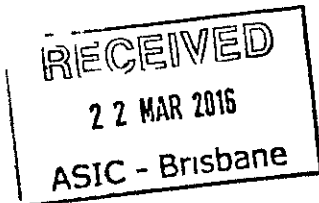
Email address (optional)

Postal address

Suburb/City

State/Territory

Postcode



1 Details of Court

Tick one box

Must be completed

Federal Court of Australia
State or Territory registry

Family Court of Australia
State or Territory registry

Supreme Court
State or Territory

Proceeding matter number

Year

2 Details of the applicant

The applicant is an individual

Family name

Given name

The applicant is a corporation

* Corporation name

ACN/ABN/ARBN

Address must be provided

Unit level

Street number and street name

Suburb/City

State/Territory

Postcode

Country (if not Australia)

3 An application has been made

Tick appropriate box(es)	<input type="checkbox"/> An application for the winding up of the company (other than under s459P 462 or 464) was filed	ASIC internal form code 519A
	<input checked="" type="checkbox"/> An application has been made to wind up the company under (tick one box)	519G
	<input checked="" type="checkbox"/> Section 459P <input type="checkbox"/> Section 462 <input type="checkbox"/> Section 464	
	Date application was filed	
	<input type="text" value="2"/> <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="3"/> <input type="text" value="1"/> <input type="text" value="6"/> <small>[D] [D] [M] [M] [Y] [Y]</small>	

4 An application has been withdrawn or dismissed

Tick appropriate box	<input type="checkbox"/> An application for the winding up of the company was withdrawn	ASIC internal form code 519B
	<input type="checkbox"/> An application for the winding up of the company was dismissed	519C
	<input type="checkbox"/> An application for the winding up of the company was dismissed and an appeal is pending	519C
	Date application was withdrawn or dismissed	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <small>[D] [D] [M] [M] [Y] [Y]</small>	

5 A court order has been made

Liquidator(s) or provisional liquidator(s) details	<input type="checkbox"/> An order was made and (tick one box)	ASIC internal form code
	<input type="checkbox"/> a liquidator appointed or	519D
	<input type="checkbox"/> a provisional liquidator appointed	519E
	Date on which order was made	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <small>[D] [D] [M] [M] [Y] [Y]</small>	
	Where an order was made give details of the liquidator or provisional liquidator appointed	
	Family name	Given name
	<input type="text"/>	<input type="text"/>
	Firm/organisation name (if applicable)	
	<input type="text"/>	
	Unit level	
	<input type="text"/>	
	Street number and street name	
	<input type="text"/>	
	Suburb/City	State/Territory
	<input type="text"/>	<input type="text"/>
	Postcode	Country (if not Australia)
	<input type="text"/>	<input type="text"/>

5 Continued A court order has been made

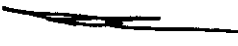
Additional liquidator(s) or provisional liquidator(s) details

Family name	Given name
<input type="text"/>	<input type="text"/>
Firm/organisation name (if applicable)	
<input type="text"/>	
Unit level	
<input type="text"/>	
Street number and street name	
<input type="text"/>	
Suburb/City	State/Territory
<input type="text"/>	<input type="text"/>
Postcode	Country (if not Australia)
<input type="text"/>	<input type="text"/>

Signature

This form must be signed by the applicant or their representative or if initiated by a corporation the director or secretary or equivalent

I certify the information in this form is true and complete

Name																
David Wei-Chi Chen																
Capacity																
Solicitor																
Signature																
																
Date signed																
<table border="1"><tr><td>2</td><td>2</td><td>/</td><td>0</td><td>3</td><td>/</td><td>1</td><td>6</td></tr><tr><td>[D</td><td>D]</td><td></td><td>[M</td><td>M]</td><td></td><td>[Y</td><td>Y]</td></tr></table>	2	2	/	0	3	/	1	6	[D	D]		[M	M]		[Y	Y]
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[D	D]		[M	M]		[Y	Y]									

Lodgement

Send completed and signed forms to
Australian Securities and Investments Commission
PO Box 4000 Gippsland Mail Centre VIC 3841

For more information
Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

SUPREME COURT OF QUEENSLAND

REGISTRY BRISBANE
NUMBER 3000/16

IN THE MATTER OF READY FLOWERS PTY LTD ACN 115 489 480

Applicant **FRASER CHAPMAN**

AND

Respondent **READY FLOWERS PTY LTD ACN 115 489 480**

ORIGINATING APPLICATION

A DETAILS OF APPLICATION

This application is made under section 459P of the *Corporations Act 2001*

Application for winding up on the grounds of insolvency

On the facts stated in the supporting affidavit, the applicant claims -

- 1 That Ready Flowers Pty Ltd ACN 115 489 480 be wound up in insolvency pursuant to section 459A of the *Corporations Act 2001*
- 2 That a liquidator be appointed to the respondent for the purpose of winding up
- 3 The costs of the application of and incidental to the winding up application be costs in the winding up
- 4 Such further or other orders that this Honourable Court considers appropriate

Date 21 3 16

DSS Law

Applicant's Solicitor

B NOTICE TO RESPONDENT

TO **READY FLOWERS PTY LTD**
ACN 115 489 480
Of Hawkins Christie
G, 168 Stirling Highway
Nedlands WA 6009

ORIGINATING APPLICATION
Filed on behalf of the Applicant(s)
Form 2 - R 2 2

DSS LAW
Level 13, 110 Mary Street
Brisbane QLD 4000
Tel 07 3210 2373
Fax 07 3210 6775
Email collecitons@dsslaw.com.au
Ref 160264

This application will be heard by the Supreme Court of Queensland at 415 George Street, Brisbane, Queensland at 9 30am on 4 May 2016

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 15 MINUTES

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you. In addition you must before the day for hearing file a notice of appearance in this Registry. The notice should be in Form 4. You must serve a copy of it at the applicant's address for service shown in this application as soon as possible.

Note Unless the court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the court grants leave.

C APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

- 1 The applicant relies on failure by the respondent to comply with a statutory demand. A copy of the demand, marked A, is attached to this originating application.
- 2 The demand and an accompanying affidavit were served by Leahra McKendrick who posted them by ordinary prepaid post to the registered office of the respondent at Hawkins Christie, G, 168 Stirling Highway, Nedlands in the State of Western Australia on 5 February 2016. A copy of the accompanying affidavit, including a copy of the statutory demand, is filed with this originating process.
- 3 The respondent failed to pay the amount of the debt demanded or to secure or compound for that amount to the applicant's reasonable satisfaction within 21 days after the demand was served on the respondent.

D FILING

Date of filing **21 MAR 2016**



This originating application is filed by DSS LAW, solicitors for the applicant.

E SERVICE

The applicant's address for service is

C/- DSS Law,
'Matisse Tower' Level 13,
110 Mary Street, Brisbane QLD 4000
Telephone 07 3210 2373
Fax 07 3210 6775
Email collections@dsslaw.com.au

It is intended to serve a copy of this originating application on the respondent only

READY FLOWERS PTY LTD
ACN 115 489 480
Of Hawkins Christie
G, 168 Stirling Highway
Nedlands WA 6009

"A"

CORPORATIONS ACT 2001

CREDITOR'S STATUTORY DEMAND FOR PAYMENT OF DEBT

- TO **READY FLOWERS PTY LTD ACN 115 489 480** of Hawkins Christie, G, 168 Stirling Highway, Nedlands in the State of Western Australia ('Company')
- 1 The Company owes **FASER CHAPMAN** of Shop 30, 12 18 Village Drive, Idalia in the State of Queensland ("Creditor") the amount of Twenty Six Thousand, Six Hundred and Twenty Five Dollars and Ninety Six Cents (\$26,625 96) being the amount of the debt described in the Schedule ("Amount")
- 2 Attached is the Affidavit of **Stephen Braithwaite** dated 5 February 2016 verifying that the Amount is due and payable by the Company
- 3 The Creditor requires the Company, within twenty-one (21) days after service on the Company of this demand -
- (a) to pay to the Creditor the Amount, or
 - (b) to secure or compound for the Amount to the Creditor's reasonable satisfaction
- 4 The Creditor may rely on a failure to comply with this demand within the period for compliance set out in Sub-section 459F(2) as grounds for an application to a Court having jurisdiction under the *Corporations Act 2001* for the winding up of the Company
- A failure to respond to a statutory demand can have very serious consequences for a company. In particular, it may result in the company being placed in liquidation and control of the company passing to the liquidator of the company.**
- 5 Section 459G of the *Corporations Act 2001* provides that a company served with a demand may apply to a Court having jurisdiction under the *Corporations Act 2001* for an order setting the demand aside. An application must be made within twenty one (21) days after the demand is served and, within the same period -
- (a) An Affidavit supporting the Application must be filed with the Court, and
 - (b) A copy of the Application and a copy of the Affidavit must be served on the person who served the demand
- 6 The address of the Creditor for service of copies of any application and Affidavit is at the Creditor's agent -

PROFCOLL PTY LTD
45 Ventnor Avenue
West Perth WA 6005
Phone 1300 799 067
Fax 1300 799 068

SCHEDULE

Description	Amount
Invoices pertaining to services provided by the Creditor to the Company between 1 August 2015 and 30 January 2016	\$26,625 96
Total Amount	\$26,625 96

Dated 5 February 2016

Signed



Print Name Stephen Braithwaite

Capacity: Authorised Mercantile Agent

Corporation or Partnership Name

FRASER CHAPMAN

NOTES

- 1 The form must be signed by the Creditor or the Creditor's Agent. It may be signed on behalf of a partnership by a Partner, and on behalf of a Corporation by a Director or by the Secretary or an Executive Officer of the Corporation.
- 2 The amount of the debt or, if there is more than one debt, the total of the amounts of the debts must exceed the statutory minimum of \$2,000 00.
- 3 Unless the debt, or each of the debts, is a judgment debt, the demand must be accompanied by an Affidavit that-
 - (a) verifies that the debt, or the total of the amounts of the debts, is due and payable by the Company, and
 - (b) complies with the rules
- 4 A person may make demand relating to a debt that is owed to the person as an assignee.
- 5 This form was amended in 2007 as part of amendments of the *Corporations Regulations 2001*. For the period of 12 months after the commencement of those amendments a person may comply with paragraph 459E(2)(e) of the *Corporations Act 2001* in relation to a statutory demand for payment of debt by using
 - (a) the version of this form that was in force immediately before the commencement of the amendments, or
 - (b) this version of the form

Creditor

FRASER CHAPMAN

and

Debtor Company

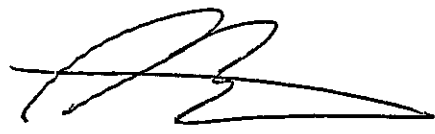
READY FLOWERS PTY LTD ACN 115 489 480

I, **Stephen Braithwaite**, of Level 5, 49 Sherwood Road, Toowong in the State of Queensland, Chief Executive Officer of Professional Collection Services and Authorised Mercantile Agent of the Creditor states on oath

- 1 I am the Authorised Mercantile Agent of **FRASER CHAPMAN** ("Creditor"), the Creditor named in the statutory demand, which this affidavit accompanies, relating to the debt owed by **READY FLOWERS PTY LTD ACN 115 489 480** ("Debtor Company")
- 2 In my capacity as Authorised Mercantile Agent of the Creditor
 - 2.1 I am authorised to swear this affidavit on its behalf, and
 - 2.2 I have inspected the business records of the Creditor in relation to the Debtor Company's account with the Creditor; and
 - 2.3 I have knowledge of the matters deposed to in this affidavit
- 3 The debt of \$26,625 96 ("Debt") mentioned in the statutory demand is due and payable by the Debtor Company to the Creditor for invoices pertaining to services provided by the Creditor to the Debtor Company between 1 August 2015 and 30 January 2016
- 4 Exhibit "C" to this affidavit is a true and correct copy of instructions from the Creditor indicating that the Debt amount remains due and payable
- 5 I believe that there is no genuine dispute about the existence or amount of the Debt

Sworn by **Stephen Braithwaite**
on 5 February 2016 at
Brisbane in the presence of
Harold Malcolm John Neal


A Justice of the Peace/Solicitor


Deponent

