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IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

X

IN THE MATTER of the Companies Act 1955

A N D

IN THE MATTER of BERRYMAN PROPERTIES LIMITED

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NO. M.632/83

NOTICE OF MOTION SEEKING APPROVAL OF SCHEME

NO. M.222/83

PETITION FOR WINDING UP

NO. M.275/83

PETITION FOR WINDING UP

Hearing: 10 February 1984

Counsel: S.A. Johnston for Laing Construction Ltd
P.R. Taylor for K.R.T.A. Ltd
B. Frampton for Hollobon Hire Ltd
M.J. Knowles for East West Bricks & Blocks Ltd
R.B. Sandford for M.J. Robertson Limited
W.A.A. Young for Berryman Properties Ltd

MEMORANDUM OF COOK J.

Before me is a Notice of Motion seeking approval of a scheme of arrangement which has now been placed before the various classes of creditors and others of the company. I am satisfied from the evidence that at the meeting, which was held in accordance with the previous order of the Court, the appropriate majority was obtained in favour of the resolution on each occasion. Certain persons voted against the scheme. They have all had notice of this application and, in respect of those who are not represented, affidavits of service have been filed and there is a further affidavit indicating in the case of

certain creditors that they raise no opposition. I am informed by counsel who have appeared on behalf of petitioners for winding up and creditors who may have voted against, that no opposition is now raised and, accordingly, I make an order sanctioning the scheme of arrangement, a copy of which is attached to the previous order of the Court.

Two petitions for winding-up are also before the Court - No. M.222/83 by K.R.T.A. Limited and M.275/83 by Hollobon Hire Services Limited. They are stayed pending and subject to the operation of the scheme of arrangement.

As to costs, they are sought by K.R.T.A.Limited. In their favour I make an order for \$300. They are also sought by Hollobon Hire Limited and in their favour I make an order for \$150; for East West Bricks and Blocks Limited, a supporting creditor, an order for \$100.



Solicitors:

Meares Williams, Christchurch, for Laing Construction Ltd
Anthony, Polson & Co., Christchurch, for K.R.T.A. Ltd
Saunders & Co., Christchurch, for Hollobon Hire Services Ltd
A.J. Newman Esq., Christchurch, for EastWest Bricks & Blocks Ltd
Flesher, Son & Sandford, Christchurch, for M.J. Robertson Ltd
R.A. Young, Hunter & Co., Christchurch, for Berryman Properties
Limited