

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKAURAU ROHE**

**NO. CIV-2019-404-2757**

**UNDER** Part 19 of the High Court Rules and sections 239F and  
280 of the Companies Act 1993

**IN THE MATTER OF** **SUNFRUIT ORCHARDS LIMITED** a duly incorporated  
company having its registered office at 3249 Ohaupo  
Road, RD2, Hamilton 3282

**BETWEEN** **ANDREW JOHN MCKAY AND ANDREW JAMES  
BETHELL** Insolvency Practitioners of BDO New  
Zealand Limited, Level 4, BDO Centre, 4 Graham  
Street, Auckland 1010

**Applicants**

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**ORDERS UNDER SECTION 239F AND 280 OF THE COMPANIES ACT 1993  
AND FOR DIRECTIONS FOR SERVICE AND AS TO CONDUCT OF  
CREDITORS' MEETINGS**

**Dated: 19 December 2019**

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 **Simpson Grierson**  
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**To: Sunfruit Orchards Limited**

1. The originating application without notice made by Andrew John McKay, and Andrew James Bethell on 18 December 2019 was determined by Associate Judge Andrew on 19 December 2019.
2. The determination was made upon reading:
  - (a) the applicants' originating application without notice for orders under ss 239F and 280 of the Companies Act 1993 (**Act**), dated 18 December 2019;
  - (b) the affidavit of Andrew John McKay in support of the applicants' originating application without notice, sworn 18 December 2019; and
  - (c) the memorandum of counsel for the applicants, dated 18 December 2019.
3. The following orders were made:
  - (a) leave is granted that the proceeding be commenced by way of originating application without notice;
  - (b) under High Court Rule 5.1(5), leave is granted to commence the proceeding in the Auckland Registry of the High Court;
  - (c) under ss 239F and 280 of the Act, Mr Andrew John McKay and Mr Andrew James Bethell may be appointed to act as joint and several administrators of Sunfruit Orchard Limited (**Company**);
  - (d) notice of this application and any orders is to be given to each known creditor of the Company at the same time and in the same manner as notice is given to those creditors of the first creditors' meeting under s 239AO;



- (e) leave is granted to any person who can demonstrate a sufficient interest to apply to modify or discharge these orders within 10 working days of service;
- (f) the applicants' reasonable solicitor/client costs of this application will be an expense incurred by the applicants in carrying out their duties as administrators of the Company;
- (g) the Court file in this proceeding shall be marked and treated as confidential and shall not be available for search by any person until administrators are appointed to the Company or by further Order of the Court; and
- (h) leave is reserved to the applicants to apply further in respect of any ancillary issues arising out of the orders made.

**Dated**

19 December 2019

**Signature:**



*[Handwritten signature]*

(Deputy) Registrar

**Sealed:**

**Deputy Registrar  
High Court  
Auckland**