

## CIRCULAR TO WARRANTY CREDITORS

17 November 2008  
Ref: ecpct001.doc/jk/tn

Enquiries: Jacqueline Kwok  
Phone: 03 9671 6403

Dear Sir/Madam

**ECP (AUSTRALIA) PTY LTD**  
**(SUBJECT TO DEED OF COMPANY ARRANGEMENT)**  
**ACN 082 755 655 ("THE COMPANY")**

**ECP CREDITORS' TRUST**  
**("THE TRUST")**

Please be advised that at the creditors meeting held on 15 October 2008, creditors resolved that the Company execute a Deed of Company Arrangement ("DOCA") in accordance with the Administrators' recommendation.

The DOCA was executed on 31 October 2008.

The DOCA provides for, amongst other things, the creation of a creditors' trust and for Airwell Air Conditioning BV ("Airwell BV") to contribute the sum of \$750,000 for the benefit of contingent warranty creditors.

On 5 November 2008, the Trust was settled and Sal Algeri and I, Tim Norman, were appointed Joint and Several Trustees. Airwell BV subsequently paid the contribution sum of \$750,000.

I am currently monitoring the value and volume of warranty creditor claims submitted and depending on the level of claims received, I anticipate making a determination on the Trust's ability to pay an interim distribution to warranty creditors during the second half of 2009.

In order for you to participate in future distributions, I request that you complete and return the attached Formal Proof of Debt form to me with appropriate substantiation of the claim, including:

- Proof of purchase and date of purchase;
- Copies of invoices for repairs or parts purchased; and
- Any other documentation which may be relevant to your claim.

Should you have any questions in relation to this matter, please contact **Jacki Kwok** of my office on 03 9671 6403.

Yours faithfully,  
ECP Creditors' Trust

A handwritten signature in black ink, appearing to read 'Timothy Norman', written in a cursive style.

**Timothy Bryce Norman**  
Joint and Several Trustee

Encl.

FORM 535  
CORPORATIONS ACT 2001

Subregulation 5.6.49(2)

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Trustees of the ECP CREDITORS' TRUST:

1. This is to state on or after 15 October 2008, I, .....<sup>(1)</sup>  
of.....<sup>(2)</sup>,  
had a valid and unexpired warranty in respect of goods purchased from ECP (Australia) Pty Ltd ACN  
082 755 655 ("ECP") and have justly and truly suffered financial loss as a result of the insolvency of  
ECP to the value of:  
.....dollars and ..... cents.

Particulars of the debt are:

Date	Consideration <sup>(3)</sup>	Amount \$	GST included \$	Remarks <sup>(4)</sup>

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any manner of satisfaction or security for the sum or any part of it except for the following:<sup>(5)</sup>
- 3.<sup>(6)\*</sup> I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.
- 3.<sup>(6)\*</sup> I am the creditor's agent authorised in writing to make this statement in writing. I know that the debt was incurred and for the consideration stated and that the debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

DATED this                      day of                      20

Signature of Signatory .....

NAME IN BLOCK LETTERS .....

Occupation .....

Address.....

Phone Number .....

**See Directions overleaf for the completion of this form**

**OFFICE USE ONLY**

POD No:		ADMIT - Ordinary	\$
Date Received:	/ /	ADMIT - Preferential	\$
Entered into IPS/Computer:		Reject	\$
Amount per RATA	\$	H/Over for Consideration	\$
PREP BY/AUTHORISED		<b>TOTAL PROOF</b>	\$
DATE AUTHORISED	/ /		

### Directions

- \* Strike out whichever is inapplicable.
- (1) Insert full name (including ABN) of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor.
- (2) Insert address of creditor
- (3) Under "Consideration" state how the debt arose, for example "goods sold and delivered to the company between the dates of .....", "moneys advanced in respect of the Bill of Exchange".
- (4) Under "Remarks" include details of vouchers substantiating payment.
- (5) Insert particulars of all securities held. Where the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, specify them in a schedule in the following form:

Date	Drawer	Acceptor	Amount	Date Due
	\$	£		

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- (6) If proof is made by the creditor personally, strike the two (2) paragraphs numbered 3.
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### Annexures

- A. If space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, the information must be set out in an annexure.
- B. An annexure to a form must:
  - (a) have an identifying mark;
  - (b) and be endorsed with the words:

*"This is the annexure of (insert number of pages) pages marked (insert an identifying mark) referred to in the (insert description of form) signed by me/us and dated (insert date of signing); and*
  - (c) be signed by each person signing the form to which the document is annexed.
- C. The pages in an annexure must be numbered consecutively.
- D. If a form has a document annexed the following particulars of the annexure must be written on the form:
  - (a) the identifying mark; and
  - (b) the number of pages.
- E. A reference to an annexure includes a document that is with a form.