



ASX Release
Date: 30 March 2017

Application by Receivers of NAW Distillery Pty Ltd

Australian Whisky Holdings Limited (**AWY**) advises that it was served with the Federal Court application (**the Application**) commenced by Mr Quentin James Olde and Mr Joseph Ronald Hansell in their capacity as Joint and Several Receivers and Managers (**the Receivers**) of NAW Distillery Pty Ltd (formerly known as Nant Distillery Pty Ltd) (**NAW Distillery**).

The Receivers were appointed by Eclix Commercial Pty Ltd, an entity that entered into master rental agreements with NAW Hospitality Group Pty Ltd (previously known as Nant Hotel Pty Ltd), Circa 1821 Sydney Pty Ltd, Circa 1821 Melbourne Pty Ltd and NAW Distillery. Eclix Commercial Pty Ltd has not disclosed to AWY the nature of its finance arrangement, however, AWY understands Eclix Commercial Pty Ltd advanced finance principally in relation to various venue fit-outs by these entities.

NAW Distillery was the vendor to the Business Sale Agreement dated 19 January 2017 with AWY in relation to the proposed purchase of the business assets including the plant and equipment and trademarks.

As previously announced, due to NAW Distillery's failure to satisfy conditions precedent (including the delivery of unencumbered assets for the contracted sale price), the Business Sale Agreement was terminated.

The Receivers were subsequently appointed to NAW Distillery.

The Receivers have applied for, among others, the delivery by AWY of the assets of the NAW Distillery including the plant and equipment which are located on the premises of the Nant Estate which AWY is the registered proprietor and for AWY to cease using the trade-marks owned by NAW Distillery.



For personal use only



AWY maintains it is licensed to use the name “Nant” and as previously announced on 16 March 2017, AWY is giving consideration as to whether it uses the “Nant” brand in its trading activities (which will include an assessment of legacy issues associated with the brand).

AWY is continuing to liaise with the barrel investors in respect of the management and acquisition of barrels which remain in bonded storage at Nant Estate. The barrel investment schemes were promoted by NAW Estate Pty Ltd (formerly known as Nant Estate Pty Ltd) and NAW Barrel Holdings Pty Ltd (formerly known as Nant Barrel Holdings Pty Ltd). Eclipx Commercial Pty Ltd does not have security over these entities, and AWY wholly owned subsidiary is the first ranking secured creditor in respect of an amount in excess of \$2.5 million.

The Receivers, notwithstanding being appointed only to NAW Distillery, have also applied to the Court to be appointed Receivers and Managers of the barrels the subject of the barrel investment schemes.

AWY is taking legal advice on the merits of the Application, and its rights as a secured creditor of NAW Estate Pty Ltd and NAW Barrel Holdings Pty Ltd. AWY has previously advised the barrel investors of its intention to buy back barrels subject to its audit results and is continuing to make arrangements with individual barrel investors.

Yours faithfully,

Company Secretary
Kenneth Lee



For personal use only