#### Law 2629

#### Topic 7 - Corporate Finance Part 1B - Debenture and Loan Capital

## **Tutorial Questions**

#### QUESTION 1

On 18th February, Milder Pte. Ltd., borrowed \$100,000 from Able Finance Ltd. This loan was secured by a floating charge over the company's assets. Due to an administrative oversight this charge was not registered until 25th April.

On 26th February, Milder Pte. Ltd. borrowed \$80,000 from Beta Finance Company. This was also secured by a floating charge over the company's assets and was registered on 27th February.

Milder Pte. Ltd. was adversely affected by a change in tariff policy by the Government in <u>June</u> and <u>fell into financial difficulties</u>. <u>Jones, a director</u> of the company, who was owed <u>\$120,000</u> in consideration for <u>transferring assets to the company</u> was granted a <u>floating charge</u> as security for the debt.

In July, Milder Pte. Ltd. went into liquidation and it is apparent that there are insufficient funds available to pay all secured creditors in full.

Advise the liquidator of the respective rights of:

- (a) Able Finance Company
- (b) Beta Finance Company
- (c) Jones

#### Suggested Answer Guide

(a) Able Finance - \$100,000 floating charge

#### Created 18/2

#### Registered 25/4

s131(1) CA - within 30 days of creation of the charge, the company must lodge a notice in the prescribed form with the ACRA - void, becomes unsecured creditor.

(b) Beta Finance - \$80,000 floating charge

Created 26/2; registered 27/2 - duly registered pursuant to s131 CA, secured creditor subject to s203(6) IRDA

(c) Director Jones - \$120,000 floating charge in June, company went intelliquidation in July - within 2 years of liquidation - is generally void under \$229 IRDA unless it can prove that it was solvent at the time (not the case here) or that the director advanced cash to the company, Jones transferred assets in consideration for \$120,000 floating charge - so void - Jones is an unsecured creditor.

# **Answers To Corporate Finance Solutions Chapter 18**

**Marco Cascella** 

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