

SMBC Leasing and Finance, Inc. v Forum Enviro (Aust) Pty Ltd (in liq) & Others

Summary of Payments from SMBC Leasing and Finance, Inc. (SMBC) to Forum Enviro (Aust) Pty Ltd (FEA)

Evidence Act 1995 (NSW), s 50

No	Amount ¹	Date of SWIFT payment	Sender's reference	Ordering Customer name	Beneficiary Customer name	Remittance Information	Contract under which payment was made	Ref
1.	\$9,994,866.18	30 July 2020	SYO2007300003	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<p><i>“FORUM ENVIRO PAYOUT MADE UP OF FOLLOWING TOTALS FROM OFFER LETTERS AUD 8,444,416.05 WASTE AND AUD 1,550,450.13”</i></p>	<ul style="list-style-type: none"> Offer Letter from FEA dated 27 July 2020 identifying a Master Technology Licence Agreement – Waste Management (TLA (Waste)) (First 2020 Offer Letter); Offer Letter from FEA of the same date identifying a Master Technology Licence Agreement – Health Management (TLA 	Exhibit RD1, p 293

¹ SMBC did not own the Related Assets and consequently no GST was payable on the monthly usage charges.

Filed on behalf of (name & role of party)	SMBC Leasing and Finance Inc. Sydney Branch, Applicants		
Prepared by (name of person/lawyer)	Maria Yiasemides, Partner		
Law firm (if applicable)	Jones Day		
Tel	(02) 8272 0770	Fax	(02) 8272 0599
Email	myiasemides@jonesday.com		
Address for service (include state and postcode)	Level 41, 88 Phillip Street, Sydney 2000		

No	Amount ¹	Date of SWIFT payment	Sender's reference	Ordering Customer name	Beneficiary Customer name	Remittance Information	Contract under which payment was made	Ref
							(Health)) (Second 2020 Offer Letter); and <ul style="list-style-type: none"> 2020 MRASA. 	
2.	\$9,056,366.96	26 August 2020	SYO2008260007	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<i>"FORUM ENVIRO PAYOUT MADE UP OF FOLLOWING TOTALS FROM OFFER LETTERS AUD 6,576,383.83 WASTE AND AUD 2,479,983.13 HEALTH"</i>	<ul style="list-style-type: none"> Offer Letter from FEA dated 21 August 2020 identifying a TLA (Waste) commencing 1 September 2020 (Third 2020 Offer Letter); Offer Letter from FEA of the same date identifying a TLA (Health) commencing 1 September 2020 (Fourth 2020 Offer Letter); and 2020 MRASA. 	Exhibit RD1, p 298
3.	\$3,256,278.09	30 September 2020	SYO2009300007	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<i>"SETTLEMENT AS PER OFFER LETTER DATED 28TH SEPTEMBER 2020"</i>	<ul style="list-style-type: none"> Offer Letter from FEA dated 28 September 2020 identifying a TLA (Waste) commencing 1 October 2020 (Fifth 2020 Offer Letter); and 2020 MRASA. 	Exhibit RD1, p 301
4.	\$11,190,576.14	17 November 2020	SYO2011170004	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<i>"SETTLEMENT AS PER OFFER LETTERS DATED 13TH NOVEMBER 2020 (MADE UP OF AUD 8,712,386.32 WASTE AND AUD 2,478,189.82 MADE UP OF HEALTH)"</i>	<ul style="list-style-type: none"> Offer Letter from FEA dated 13 November 2020 identifying a TLA (Waste) commencing 9 November 2020 (Sixth 2020 Offer Letter); Offer Letter from FEA of same date identifying a TLA (Health) commencing 9 November 2020 (Seventh 2020 Offer Letter); and 	Exhibit RD1, p 306

No	Amount ¹	Date of SWIFT payment	Sender's reference	Ordering Customer name	Beneficiary Customer name	Remittance Information	Contract under which payment was made	Ref
							<ul style="list-style-type: none"> 2020 MRASA. 	
5.	\$11,068,731.55	23 December 2020	SYO2012230006	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<p><i>"SETTLEMENT AS PER OFFER LETTERS DTD 23RD DECEMBER 2020 (MADE UP OF AUD 9,297,734.49 WASTE AND AUD 1,770,997.06 MADE UP OF HEALTH"</i></p>	<ul style="list-style-type: none"> Offer Letter from FEA dated 21 December 2020 identifying a TLA (Waste) commencing 1 January 2021 (the Eighth 2020 Offer Letter); Offer Letter from FEA of same date identifying a TLA (Health) commencing 1 January 2021 (Ninth 2020 Offer Letter); and 2020 MRASA. 	Exhibit RD1, p 311
6.	\$6,649,113.79	5 February 2021	SYO2102050003	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<p><i>"SETTLEMENT AS PER OFFER LETTER DATED 2ND FEBRUARY 2021"</i></p>	<ul style="list-style-type: none"> Offer Letter from FEA dated 2 February 2021 identifying a TLA (Waste) commencing 1 February 2021 (First 2021 Offer Letter); and 2020 MRASA. 	Exhibit RD1, p 314
7.	\$12,302,332.01	11 March 2021	SYO2103110018	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	<p><i>"SETTLEMENT AS PER OFFER LETTERS DATED 8TH MARCH 2021 (MADE UP OF WASTE AUD TO 10,533,007.84 AND HEALTH AUD 1,769,324.17"</i></p>	<ul style="list-style-type: none"> Offer Letter from FEA dated 8 March 2021 identifying a TLA (Waste) commencing 1 March 2021 (Second 2021 Offer Letter); Offer Letter from FEA of same date identifying a TLA (Health) commencing 1 March 2021 (Third 2021 Offer Letter); and 2020 MRASA. 	Exhibit RD1, p 319

No	Amount ¹	Date of SWIFT payment	Sender's reference	Ordering Customer name	Beneficiary Customer name	Remittance Information	Contract under which payment was made	Ref
8.	\$11,431,380.14	22 April 2021	SYO2104220005	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	“SETTLEMENT AS PER OFFER LETTERS DATED 19 TH APRIL 2021 (MADE UP OF WASTE AND 10,018,326.86 AND HEALTH AUD 1,413,053.28)	<ul style="list-style-type: none"> • Offer Letter from FEA dated 19 April 2021 identifying a TLA (Waste) commencing 15 April 2021 (Fourth 2021 Offer Letter); • Offer Letter from FEA of same date identifying a TLA (Health) commencing 15 April 2021 (Fifth 2021 Offer Letter); and • 2020 MRASA. 	Exhibit RD1, p 324
9.	\$9,044,264.61	26 May 2021	SYO2105260014	SMBC Leasing and Finance Inc	Forum Enviro (Aust) Pty Ltd	SETTLEMENT AS PER OFFER LETTER DATED 21 ST MAY 2021 (MADE UP OF WASTE AUD 9,044,264.61)	<ul style="list-style-type: none"> • Offer Letter from FEA dated 21 May 2021 identifying a TLA (Waste) commencing 18 May 2021 (Sixth 2021 Offer Letter); and • 2020 MRASA. 	Exhibit RD1, p 327