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sygn. akt: XI GRs 14/19/MB

**NOTICE
ON OPENING THE REMEDIAL PROCEEDINGS
TO CREDITORS OF
KWIATKOWSKI SP. Z O.O. IN REMEDIAL PROCEEDINGS**

Please be kindly informed that pursuant to the Decision of the District Court Poznań - Stare Miasto in Poznań, XI Commercial Department for bankruptcy and restructuring cases, ref. no.: XI GR 87/19 (now ref. no. XI GRs 14/19/MB), dated 5 November 2019 **the remedial proceedings have been opened of:**

**KWIATKOWSKI Sp. z o.o. w restrukturyzacji
ul. Nowotomska 39, 64-310 Lwówek
Nr KRS: 0000220224
(hereinafter referred to as KWIATKOWSKI, Debtor)**

In the same Decision, the Court appointed the Judge-Commissioner **SSR Magdalena Bojarska** and the Administrator **DGA Centrum Sanacji Firm S.A.** with its registered office in Poznań (KRS: 0000442983).

The scan of the Decision on opening the recovery procedure is available at www.sanacjafirm.pl/kwiatkowski

Pursuant to the requirement of Article 40 of the Act of 15 May 2015 Restructuring Law (hereinafter referred to as Act), please be informed of this fact and of the following legal effects of opening the remedial proceedings:

1. Pursuant to Article 252(1) and in relation to Article 297 of the Act, it is unacceptable for KWIATKOWSKI Sp. z o.o. with its registered office in Lwówek to fulfil any obligations arising from the claims which by virtue of law are subject to the arrangement and which originated before 5 November 2019. Such obligations shall be fulfilled on terms and conditions agreed in the arrangement, to be made within this remedial proceedings.

We will be grateful for your patience. KWIATKOWSKI Sp. z o.o. is currently prohibited from paying the claims that originated before 5 November 2019.

2. Pursuant to Article 312(4) of the Act, addressing the enforcement to the debtor's property that enters into the remedial estate and the performance of the decision to secure claims and/or the order to secure the claim on the property shall be unacceptable after the opening of remedial proceedings.

3. Pursuant to Article 256(1) and in relation to Article 297 of the Act, from the opening of the remedial proceedings until its completion or the validation of the decision to discontinue the remedial proceedings, the termination by the landlord and/or lessor of the tenancy and/or lease agreement of the unit and/or real property in which the debtor's undertaking is run, without the consent of the creditors' committee, shall be unacceptable.

4. Pursuant to Article 256(2) and in relation to Article 297 of the Act, the provision of section 1 shall apply accordingly to loan agreements on funds put at the disposal of the borrower prior to the opening of the proceedings, leasing agreements, property insurance agreements, bank account agreements, guarantee agreements and contracts covering the licences granted to the debtor, as well as guarantees and/or letters of credit issued prior to the opening of the remedial proceedings.
5. According to Article 253 and in relation to Article 297 of the Act, from the opening of remedial proceedings until their completion or validation of the decision to discontinue the remedial proceedings, a set-off between the debtor and the creditor shall not be permitted if the creditor has become indebted to the debtor after the opening of the remedial proceedings or when being indebted to the debtor, has become, after the opening of the remedial proceedings, his creditor by the acquisition by a bank transfer and/or endorsement of the claim arisen prior to the opening of the remedial proceedings.
However, the set-off of mutual claims shall be permissible if the acquisition of the claims has been the result of the debt payment which the purchaser has been personally liable for or with certain components of property, and if the purchaser's liability for the debt arisen prior to filing of the application to open remedial proceedings.

The Administrator, pursuant to Article 320 of the Act, is responsible for preparing a table of claims.

The table of claims shall include personal claims against KWIATKOWSKI Sp. z o.o. arising prior to the opening of remedial proceedings, i.e. 5 November 2019 (with reservation that another deadline for payment can be set).

The list of claims shall be prepared by the Administrator pursuant to Article 84(1) of the Act on the basis of the accounting records and other documents of KWIATKOWSKI, entries in land and mortgage registers and records.

Creditors **do not** file their claims in the remedial proceedings. However, in order to verify the entries in the accounting records of KWIATKOWSKI and to prepare the list that is in line with the actual status, **creditors may e-mail the** information including: the title of the claim, its value (divided into a principal, interest, and court and enforcement costs, if any) with the indication of source documents (an invoice, a contract, etc.) as well as any collaterals of the claims (mortgage, pledge, etc.).

If you consider it reasonable to provide such information, please e-mail it to kwiatkowski@sanacjafirm.pl.

Please be kindly advised that KWIATKOWSKI Sp. z o.o. is obliged to repay any personal claims that originate after 5 November 2019 in a timely manner.

DGA Centrum Sanacji Firm S.A. - The administrator in the remedial proceedings of KWIATKOWSKI Sp. z o.o. is requesting you to continue your cooperation. We are positive that the effective performance of the remedial proceedings will make it possible to remedy the Company and enable it to continue its business relationships in a profitable manner.

You can find further information on the scenario of the recovery procedure www.sanacjafirm.pl/kwiatkowski

Best regards,


Andrzej Głowacki
Chairman of the Board
DGA Centrum Sanacji Firm S.A