

LOSS AND DAMAGE FORM FOR MEDIATION

Subject to settlement negotiation privilege under section 131 of the *Evidence Act 1995* (Cth)

Instructions to Complete this Form

If you are a Franchisee (companies, sole traders, partnerships and trustees of trusts)

For a current or former 7-Eleven franchisee (usually a company that operated a store) – if you wish to lodge a claim, please complete all the sections of this form marked “*Everyone to complete*” and “*Franchisees only to complete*”. The person lodging the form on behalf of the franchisee must sign and date the form on the last page and state the capacity in which they are authorised to do so (for example Director, Partner or Trustee).

If you have (or have previously) operated multiple stores during the time period 20 February 2012 to 19 February 2018 and wish to claim for those additional stores, please complete the same details for each store. **Section F** of this form contains sections for additional stores.

If you are a Nominated Director and/or Guarantor (usually individuals)

If you are or were:

- a **nominated director** named in a store agreement between a franchisee and 7-Eleven; or
- a **guarantor** - who provided a guarantee to 7-Eleven in a store agreement or a guarantee in favour of ANZ Bank for that store agreement;

please complete all of the sections of this form marked “*Everyone to complete*” and “*Directors/Guarantors only to complete*”. You must also sign and date the form on the last page.

If you are lodging a claim on behalf of both a franchisee and a nominated director or guarantor, please complete the whole form.

If there is more than one **nominated director** or more than one **guarantor** for a franchisee, each person must lodge their own form and sign and date on the last page. You can obtain additional forms by making copies of this form or sending an email to **711@levittrobinson.com**.

How do you fill out this form?

Everyone to complete

- ☐ Section A
- ☐ Section E
- ☐ Section F
- ☐ Section G

Franchisees to also complete (companies, sole traders, partnerships and trustees of trusts)

- ☐ Section B
- ☐ Section C

Nominated Directors/Guarantors to also complete (individuals)

- ☐ Section D

Everyone to sign and date the form on the last page.

SECTION A

1. Registration and contact details

[Everyone to complete]

*If you have (or have previously had) more than one store during the period and you wish to lodge a claim for each store, please complete the section at **Section F** of this form for each additional store*

Store number (4 digits + 1 letter):

--	--	--	--	--

Name and ACN of the franchisee

(the company name, sole trader, partnership or trustees of a trust that operates/operated the store):

Names of each of the Nominated Directors over the term of the Store Agreement:

1. _____
2. _____
3. _____
4. _____

Names of Guarantors (as stated in the Store Agreement):

1. _____
2. _____
3. _____
4. _____

Date of Store Agreement (and any dates of renewals, excluding lease renewals):

Did you operate any other stores prior to 20 February 2012? If yes, please insert the store numbers and locations below

SECTION B

2. Details of investment by franchisee

[Franchisees only to complete]

Initial investment when the franchisee bought the store (excluding GST)

Goodwill paid to former franchisee	\$
Goodwill paid to 7-Eleven (if you bought a corporate store)	\$
Franchise Fee paid to 7-Eleven	\$
Application Fee paid to 7-Eleven	\$
Stock paid to 7-Eleven	\$
Legal advice	\$
Accounting	\$
Company registration	\$
Uniforms	\$
GST paid on any of the above amounts that were not returned as GST input tax credits	\$

Total	\$
--------------	-----------

Sale amount (if franchisee has sold the store)

Goodwill or other payment received (excluding GST and any payments via vendor finance)
\$

If you do not know the information for **Section B** above, please mark Unknown in the appropriate box.

☐ **I have provided documents to support the figures provided above.**

You should provide supporting documents. Examples include:

- Agreements and/or Deeds for the purchase of the franchise
- Agreements and/or Deeds for the sale of the franchise, including any vendor finance
- Bank statements showing amounts paid

Profit/Loss

You **MUST** provide copies of your company financial statements and tax returns for the years that it operated a 7-Eleven store.

SECTION C

3. Details of business loans

[Franchisees only to complete]

Was money borrowed to purchase the store?

☐ Yes

☐ No

If Yes, please provide the details below in relation to those borrowings.

*If more than one loan was obtained, please complete **Section G** in relation to any additional loans.*

When answering questions about your loan below, this should be done by referring to documents recording that information, which can be obtained from your (current or former) lender. You will need to provide copies of these documents.

Loan**Name of Lender:**

Name of Borrower:

Date of loan:

Total amount borrowed:\$

Was any portion of the loan used for personal reasons?☐ Yes – approximately: _____ % ☐ No**Term of the loan (number of years):**

How often did the borrower make repayments? (For example, monthly):

Further details to be obtained from your lender and inserted below:

- What was the initial interest rate? _____ %
- What are or were the amount of the monthly repayments? \$ _____
- How much is left outstanding on the loan (if any)? \$ _____
- Total interest paid on this loan to date: \$ _____
- Total fees paid on this loan to date: \$ _____

If you have sold your store, was the loan paid back in full at the time of sale?☐ Yes☐ No – reason and

amount outstanding _____

at time of sale:

☐ **I have provided documents to support the loan details provided above.**

You should provide supporting documents. Examples include:

- Initial loan letter from the Lender (e.g. letter of offer)
 - Annual interest statements (these can be obtained from your bank)
 - Letter from Lender confirming the details of the loan terms.
-

Was any other money borrowed to operate the store after it was purchased? (other than the original loan referred to in the previous question)

☐ Yes

☐ No

If Yes, please complete **Section G** below in relation to any such loans

SECTION D

4. Your Income

[Directors/Guarantors only to complete]

You must provide your personal tax returns (as lodged with the Australian Taxation Office (ATO)) and notices of assessment by the ATO for all of the time periods referred to below.

Did you ever work in a 7-Eleven store before your franchisee company entered into its first Store Agreement with 7-Eleven (e.g. in a friend's store or at another store as an employee or manager)?

☐ Yes

☐ No

If you have answered yes, please insert the store number/location and time period that you worked there below:

What employment were you qualified to seek at the time you acquired your 7-Eleven store?

Where did you work in the three years prior to acquiring your 7-Eleven store?

How many hours did you work in the three years prior to acquiring your 7-Eleven store?

Financial Year ended 30 June	Average hours per week	Total (annual) hours
1. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
2. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
3. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

What personal income did you receive in the three years prior to your franchisee company entering into its first Store Agreement with 7-Eleven?

From your personal tax returns, please insert your annual income for the **three years prior** to first operating the Store (and as recorded in your tax returns):

Financial Year ended 30 June	Total amount of Gross Income for that year (amount including superannuation and allowances, and before paying any income tax)
1. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$
2. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$
3. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$

If you were self-employed prior to entering into the franchise, please provide total annual salary and profits received from the pre-franchise business.

If you have operated more than one store, please answer these questions by reference to the position when you bought your first store.

Did you continue to receive any of this personal income after you commenced operating your 7-Eleven store?

☐ Yes

☐ No

For example, at the time the store agreement was signed you were working in a call centre. If you continued to work in that role after signature of the store agreement (even if you changed your hours), you should tick Yes to the above.

If you have answered 'Yes' above, please complete the table below to indicate what personal income you received from other sources during the period of the Store Agreement.

Financial Year ended 30 June	Total amount of Gross Income for that year (amount including superannuation and allowances, and before paying any income tax)
1. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
2. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
3. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
4. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
5. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
6. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
7. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
8. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
9. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$
10. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$

Tell us about the personal income you received from the Store operated by your franchisee
(When we refer to franchisee we refer to company, sole trader or partnership)

(1) Did the franchisee pay you any wages for your work in the store?

(either via the 7-Eleven system or outside the system)

☐ Yes

☐ No

(2) Did you receive any of the drawings that the store paid to the franchisee?

(for example, as a dividend from the franchisee)

☐ Yes

☐ No

For each box that you mark 'Yes' to in answer to question (1) or (2), please insert details in the table below, for each financial year that the store operated.

Financial Year ended 30 June	Total wages received from the store (question (1) above) (amount including superannuation and allowances, and before paying any income tax)	Total amount received from drawings or other income (question (2) above)
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$	\$

Financial Year ended 30 June	Total wages received from the store (question (1) above) (amount including superannuation and allowances, and before paying any income tax)	Total amount received from drawings or other income (question (2) above)
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$	\$

☐ I have provided copies of:

- ☐ Signed individual tax returns, as lodged with the ATO
- ☐ All notices of assessment from the ATO for the period three years prior to the date of the Store Agreement and at least up until the date on which any Store Agreement ended (or to date, if the Store Agreement is still current).

How many hours did you work in your 7-Eleven store?

Financial Year ended 30 June	Average hours per week	Total (annual) hours
1. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
2. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
3. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
4. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
5. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
6. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
7. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
8. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
9. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
10. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
11. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
12. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

- Please provide only copies of documents created at the relevant time

5. Details of claim for loss and damage

Please detail below the amount of loss and damage you intend to claim.

This image shows a full page of white paper with horizontal dashed lines, typical of primary school handwriting practice paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SECTION F

6. Additional Stores

[Complete, if applicable]

If you have more than one store, or operated more than one store during the period 20 February 2012 to 19 February 2018, please enter the details below for each additional store.

If you need more space please provide the additional store information required below on a separate document when you return this form.

Additional Store 1

Store number (4 digits + 1 letter):

--	--	--	--	--

Names of each of the Nominated Directors over the relevant period:

- 1.
- 2.
- 3.
- 4.

Names of guarantors (as stated in the Store Agreement):

- 1.
- 2.
- 3.
- 4.

Date of Store Agreement (and any dates of renewals):

Goodwill Paid (when franchisee bought the store)

\$

Amount (excluding GST)

Goodwill Received (when franchisee sold the store)

\$

Amount (excluding GST)

Sale Date (if franchisee has sold the store)

Additional Store 2

Store number (4 digits + 1 letter):

--	--	--	--	--

Names of each of the Nominated Directors over the relevant period:

- 1.
- 2.
- 3.
- 4.

Names of guarantors (as stated in the Store Agreement):

- 1.
- 2.
- 3.
- 4.

Date of Store Agreement (and any dates of renewals):

Goodwill Paid (when franchisee bought the store)

\$

Amount (excluding GST)

Goodwill Received (when franchisee sold the store)	\$	Amount (excluding GST)
Sale Date (if franchisee has sold the store)		
Additional Store 3		
Store number (4 digits + 1 letter):	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/>	
Names of each of the Nominated Directors over the relevant period:	1. 2. 3. 4.	
Names of guarantors (as stated in the Store Agreement):	1. 2. 3. 4.	
Date of Store Agreement (and any dates of renewals):		
Goodwill Paid (when franchisee bought the store)	\$	Amount (excluding GST)
Goodwill Received (when franchisee sold the store)	\$	Amount (excluding GST)
Sale Date (if franchisee has sold the store)		
Additional Store 4		
Store number (4 digits + 1 letter):	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/>	
Names of each of the Nominated Directors over the relevant period:	1. 2. 3. 4.	
Names of guarantors (as stated in the Store Agreement):	1. 2. 3. 4.	
Date of Store Agreement (and any dates of renewals):		
Goodwill Paid (when franchisee bought the store)	\$	Amount (excluding GST)
Goodwill Received (when franchisee sold the store)	\$	Amount (excluding GST)
Sale Date (if franchisee has sold the store)		

SECTION G

7. Additional Loans

[Complete if applicable]

If you/the franchisee has either:

(a) Entered into more than one loan to finance buying the store(s); or

(b) Borrowed money after buying the store to finance the ongoing costs of the store;

please complete this section in relation to any additional loans. In each case you should refer to documents obtained from your (current or former) lender.

Additional Loan

Name of Lender:

Name of Borrower:

Date of loan:

Store that the loan relates to:

Total amount borrowed:

\$

Was any portion of the loan used for personal reasons?

☐ Yes – approximately: _____ % ☐ No

- Term of the loan (number of years): _____ years
- How often did the borrower make repayments? (For example, monthly): _____
- Initial interest rate: _____ %
- What are or were the amount of the monthly repayments? \$ _____
- How much is left outstanding on the loan (if any)? \$ _____
- Total interest paid on this loan to date: \$ _____
- Total fees paid on this loan to date: \$ _____

If you have sold your store, was the loan paid back in full at the time of sale?

☐ Yes ☐ No – reason: _____

☐ I have provided documents to support the loan details provided above.

Examples of the types of documents you should provide include:

- Initial loan letter from the Lender
- Annual interest statements (these can be obtained from your bank)
- Letter from Lender confirming the details of the loan terms entered into the table above.

Additional Loan

Name of Lender:

Name of Borrower:

Date of loan:

Store that the loan relates to:

Total amount borrowed:

\$

Was any portion of the loan used for personal reasons?

☐ Yes – approximately: _____ % ☐ No

- **Term of the loan (number of years):**
 - **How often did the borrower make repayments? (For example, monthly):**
 - **Initial interest rate:**
 - **What are or were the amount of the monthly repayments?**
 - **How much is left outstanding on the loan (if any)?**
 - **Total interest paid on this loan to date: \$**
 - **Total fees paid on this loan to date: \$**
-

If you have sold your store, was the loan paid back in full at the time of sale?

☐ Yes ☐ No – reason: _____

☐ **I have provided documents to support the loan details provided above.**

You should provide supporting documents. Examples include:

- Initial loan letter from the Lender
 - Annual interest statements (these can be obtained from your bank)
 - Letter from Lender confirming the details of the loan terms.
-

Franchisee

.....
Signature

.....
Print Name and state Capacity to Sign
(BLOCK LETTERS)

.....
Date

Director/Guarantor

.....
Signature

.....
Print Name
(BLOCK LETTERS)

.....
Date