



Sandro Markov <su.smarkov@gmail.com>

Furutoppen AS - bankruptcy proceedings

Broj poruka: 3

Tove Merete Voldbæk <Tove.Merete.Voldbaek@domstol.no>
Prima: Sandro Markov <su.smarkov@gmail.com>

22. siječnja 2025. u 12:48

Dear Mr. Markov,

Reference to email. Apologies for the delayed response.

Furutoppen AS has gone bankrupt, as you know. It has been stated that a company in Croatia was or is owned by Furutoppen AS. This Company owns a property in Croatia. It is indicated that this property could provide funds to the bankruptcy estate.

The bankruptcy proceedings in Norway have been concluded. Under Norwegian law, the proceedings can exceptionally continue if it will provide funds to the creditors. The costs of such proceedings must either be paid by the Furutoppen AS funds or by the creditors. This must be paid to the court before the bankruptcy proceedings can continue. Furutoppen AS has no further funds. Nor is their creditors willing to cover the costs.

Therefore, there is no basis for deciding that the bankruptcy proceedings in Norway should continue. The bankruptcy proceedings in Norway should continue. The bankruptcy proceedings remain concluded, and the bankruptcy estate will not attempt to recover funds in Croatia.

Best regards,

Oslo tingrett

Tove Merete Voldbæk

Tingrettsdommer

Avdeling 8 – byfogdsaker

Telefon: +47 22 99 93 52

www.domstol.no/oslotingrett

Fra: Sandro Markov <su.smarkov@gmail.com>**Sendt:** onsdag 22. januar 2025 10:28**Til:** Endre Skjelbred Refsdal <Endre.Skjelbred.Refsdal@domstol.no>; Siv Johansen <Siv.Johansen@domstol.no>;

Tove Merete Voldbæk <Tove.Merete.Voldbaek@domstol.no>

Emne: Re: Var referanse: 24-078820TVI-TOSL/07 , Mr. Endre Skjelbred Refsdal

Dear,

I still did not receive the answer.

Regards,

pet, 3. sij 2025. u 11:57 Sandro Markov <su.smarkov@gmail.com> napisao je:

Dear,

I kindly hasten the answer.

Regards,

sub, 14. pro 2024. u 17:12 Sandro Markov <su.smarkov@gmail.com> napisao je:

Dear,

I kindly hasten the answer.

Regards,

pet, 6. pro 2024. u 12:36 Sandro Markov <su.smarkov@gmail.com> napisao je:

Dear,

I kindly hasten the answer.

Regards,

uto, 12. stu 2024. u 19:18 Sandro Markov <su.smarkov@gmail.com> napisao je:

Dear Mr. Endre Skjelbred Refsdal,

Thank you for your feedback.

In attachment I am sending you the land registry entry in which it is visible that **MEDITERANSKI SUNCOKRET d.o.o. (Ltd)** is owner of the house in Žabarić (maritime village in Croatia).

Also, there are a few photos of the mentioned property.

Croatian company MEDITERANSKI SUNCOKRET d.o.o is or was owned by the FURUTOPPEN AS (extract in attachment also).

This property belongs to the Furutoppen AS regardless of the dissolution and should be used to pay the eventual debts of Furutoppens creditors.

Mr. Knut Ottar Westgaard, former CEO of Furutoppen AS and Mediteranski suncokret d.o.o., claims that the mentioned property should belong to him, because he was the sole owner of the Furutoppen AS and, also, claims that Furutoppen AS had no debts and creditors in Norway.

But, the above does not follow from the document by Braekus, which is also in Croatian court file translated in Croatian via certified court translator for Norwegian language.

(citation:

"Det gjøres oppmerksom på at beslutningen om abandonering kan omgjøres dersom det er gitt uriktige opplysninger. Eventuelt overskudd ved salg av aksjene kan inndras til boet. Bosryrer er ikke kjent med panteheftelser i aksjene.")

Due to aforementioned doubts, Croatian Commercial court in Zadar, earlier this year, via Croatian Ministry of Justice, sent to the Norwegian court a formal request for information and guidelines for further action, but, unfortunately, from the Norwegian court, received only a copy of the court file from Norway.

When situations like this happen in Croatia, the law stipulates that a bankruptcy or liquidation estate (depending on whether the company is liquidated due to bankruptcy or for other reasons) is established and entered in the court register and acts as a creditor /in this situation owner/ and has the right to decide how to proceed further in bankruptcy proceedings.

Please inform me on further proceedings in Norway according to the Croatian Commercial Court request in attachment.

Regards,

uto, 12. stu 2024. u 14:36 Endre Skjelbred Refsdal <Endre.Skjelbred.Refsdal@domstol.no> napisao je:

Dear Sandro Markov,

I inform you that I have transferred your request for information to my colleague district court judge Tove Merete Voldbæk. She handled the forced dissolution case in 2017 against Furutoppen AS. She will be out of office until 26th November 2024. She will answer your request as soon as possible.

Sincerely,

Endre Skjelbred Refsdal

Tingrettsdommer

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Har du ærend eller oppgaver i Oslo tinghus? Her finner du informasjon om smittevern og Covid-19.

Fra: Siv Johansen <Siv.Johansen@domstol.no> **På vegne av** Oslo tingrett, avdeling 7

Sendt: torsdag 7. november 2024 08:54

Til: Endre Skjelbred Refsdal <Endre.Skjelbred.Refsdal@domstol.no>

Emne: VS: Var referanse: 24-078820TVI-TOSL/07 , Mr. Endre Skjelbred Refsdal

Fra: Reidar Bergheim <Reidar.Bergheim@domstol.no> **På vegne av** Oslo tingrett (postmottak)

Sendt: torsdag 7. november 2024 08:23

Til: Oslo tingrett, avdeling 7 <Oslo.tingrett.avdeling.7@domstol.no>

Emne: VS: Var referanse: 24-078820TVI-TOSL/07 , Mr. Endre Skjelbred Refsdal

Fra: Sandro Markov <su.smarkov@gmail.com>

Sendt: onsdag 6. november 2024 19:45

Til: Oslo tingrett (postmottak) <toslpost@domstol.no>

Emne: Re: Var referanse: 24-078820TVI-TOSL/07 , Mr. Endre Skjelbred Refsdal

Dear Mr. Endre Skjelbred Refsdal,

as I wrote earlier and did not receive an answer.

Furutoppen owned a company in Croatia, Mediteranski suncokret d.o.o. (Ltd), which is the owner of the real estate in Žaborić (house and yard).

In the attachment is a document which proves that director, Mr. Knut Ottar Westgaard, gave the false statement that Mediteranski suncokret shares are worthless.

In the conclusion of that document is written that the **decision can be annulled if incorrect information is given and that possible profit from the sale can be taken into the liquidation mass.**

Please inform me on the subject.

Regards,

čet, 5. ruj 2024. u 18:53 Sandro Markov <su.smarkov@gmail.com> napisao je:

Please inform me about this legal subject.

Regards,

pet, 26. srp 2024. u 13:47 Sandro Markov <su.smarkov@gmail.com> napisao je:

Dear Mr. Endre Skjelbred Refsdal,

Im an attorney at law and bankruptcy trustee in Croatia, Murter.

The Croatian Commercial court has received the documentation you sent, but this is just a copied file from Norwegian court, without instructions for further proceedings.

I would like to explain the situation.

At The moment, Im a **bankruptcy trustee for a MEDITERANSKI SUNCOKRET..d.o.o.**, a firm, a limited liability company seated in Republic of Croatia, Žaborić /little suburban part of city of Šibenik/, Špacerova 12A (name of the street).

Because of outstanding debts, the mentioned company went into bankruptcy.

Founder of the mentioned company in Croatia is **FURUTOPPEN CONSULTING AS, Norway, Skogbrynet23 c,0283 Oslo, C/O Completto AS, Postboks 470, Sentrum, 0105 Oslo, number: 966 474 084,** represented by the director Knut Ottar Westgaard, Norwegian citizen.

The Croatian firm MEDITERANSKI SUNCOKRET limited liability company, **founded and owned by FURUTOPPEN CONSULTING AS**, has the ownership of the real estate /house and yard, total

400 square meters/ in Croatia, Žaborić.

Approximate value /without conducting an expert/ of this real estate is around 200- 300.000,00 EUR.

Mr. Knut Ottar Westgaard, in bankruptcy procedure of MEDITERANSKI SUNCOKRET limited liability company, filed a claim in amount of 1,935.000,00 HRK (cca 257.000 EUR), stating that a ground for this is complete ownership of business shares of FURUTOPPEN CONSULTING AS.

Mr Knut, in process in Norway, stated that Furutoppens company in Croatian, mentioned MEDITERANSKI SUNCOKRET, has no value, that business shares are worthless, as it follows from received dokumentation from Norwegian court file.

That is a false statement, because MEDITERANSKI SUNCOKRET owns a property, mentioned house, which is now owned by a founder- FURUTOPPEN CONSULTING AS, which does not exist now in Norway.

In the document by Braekhus is written :

"Det gjøres oppmerksom pa at beslutningen om abandonering kan omgjøres dersom det er gitt uriktige opplysninger. Eventuelt overskudd ved salg av aksjene kan inndras til boet. Bosryrer er ikke kjent med panteheftelser i aksjene."

So, as asked by Croatian Commercial court, the Court needs exact instructions on how to continue the bankruptcy procedure of MEDITERANSKI SUNCOKRET Ltd.

Namely, bankruptcy procedure in Croatia cannot continue without opening bankruptcy or liquidation process over Furutoppen in Norway and claiming the property (house and yard) in Croatia.

Mr. Knut stated that house should be granted to him as he was the founder of FURUTOPPEN CONSULTING AS, but if that is even correct, the Commercial court in Croatia cannot continue without exact instructions from Norwegian court.

Please contact me back for more information.

Respectfully Yours,

--

Sandro Markov
Stečajni upravitelj/ Bankruptcy trustee

Odvjetnik/ Attorney-at-law

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Sandro Markov <su.smarkov@gmail.com>
Prima: Tove Merete Voldbæk <Tove.Merete.Voldbaek@domstol.no>

22. siječnja 2025. u 16:48

Thank you for the response.

At this time, we have a house in Žaborić worth around 300.000,00 EUR, maybe even more. The house was owned by the Mediteranski suncokret ltd, which company bankrupted, but later all the creditors of the company were paid. Owner and founder of the Mediteranski suncokret ltd is/was Furutoppen AS.

So, at this point, we have a situation that the mentioned house should:

- a) be sold to cover the costs of bankruptcy proceeding in Croatia and the rest of the proceeds from the sale should go to the bankruptcy estate after Furutoppen (later creditors of Furutoppen) or
- b) costs can be paid and house can be granted to to bankruptcy estate after Furutoppen and then creditors in Norway can decide what will they do with the house.

In any case, if the creditors in Norway are not paid in full, property cannot be granted to former founder of Furutoppen Mr Knut Ottar Westgaard, on which he insists.

If I, as bankruptcy trustee of Mediteranski suncokret ltd, decide to grant the house or funds remained after the sale of same to the Mr Knut Ottar Westgaard, knowing that the founder and owner (Furutoppen) went bankruptcy and creditors were not paid in full, it would mean committing the fraud and have a direct liability towards the Furutoppens creditors in Norway.

According to Croatian bankruptcy law, solutions are as written above a) or b).

If the owner of a bankrupt company is another bankrupt company which has the right to claim the rest of the funds, a bankruptcy estate is established and claims the right for the rest of monetized assets.

So, the bankruptcy proceedings in Norway should continue and the bankruptcy estate should attempt to recover funds in Croatia, because the bankruptcy estate has a 100% right to the remaining assets of the company in bankruptcy.

At this point, it is necessary to inform the Norwegian court or the creditorst of Furutoppen to start the necessary procedure to establish bankruptcy estate and claim the rights.

If I read and translate correctly the document by Braekhus in which is written "*Det gjøres oppmerksom pa at beslutningen om abandonering kan omgjøres dersom det er gitt uriktige opplysninger.*", this means that decision can be annulled and that creditors have the right to claim shares if the incorrect information is given and it is.

I am not familiar with Norwegian law and Mr Knut Ottar Westgaard is not willing to cooperate, I propose that the Norwegian court starts acting on prescribed procedure and informs the creditors of Furutoppen or you can inform me about the creditors, so I can inform them.

Regards,

[Citirani tekst je skriven]

Tove Merete Voldbæk <Tove.Merete.Voldbaek@domstol.no>
Prima: Sandro Markov <su.smarkov@gmail.com>

27. siječnja 2025. u 15:15

Dear Mr. Markov,

Reference to email.

As informed, there are no funds to cover the continuation of the bankruptsy proceedings in Norway. This is a condition as these funds are intended to cover the fees for the lawyer managing the bankruptsy proceedings. Therefore, the estate administration usually continues only in cases where a bank account is discovered, and the balance is transferred to the bankruptsy estate before it is formally decided that the estate administration should continue.

Only one creditor came forward during the estate administration. The claim was reported to be NOK 26.000 (EUR 2.215). The bankruptsy proceedings in Norway were concluded without any coverage. Therefore, no examination of the claims validity was conducted. The claim expired in 2020 or 2021. We are not aware of any other creditors.

The bankruptsy proceedings in Norway will therefore not continue.

Regards,

[Citirani tekst je skriven]