

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: 8792 of 2013

Applicants: **KORDAMENTHA PTY LTD (ACN 100 169 391) AND CALIBRE CAPITAL LTD (ACN 108 318 985) IN THEIR CAPACITY AS TRUSTEES FOR THE LM MANAGED PERFORMANCE FUND**

AND

Respondent: **LM INVESTMENT MANAGEMENT LIMITED (RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION) (ACN 077 208 461)**

AFFIDAVIT OF SERVICE

I, Ross Williams of Stuckey Way, Willow Vale in the State of Queensland, Commercial Agent, states on oath:

1. I did on Friday the 25th day of October 2013, at about 8.45am, at the office of FTI Consulting, at level 9, 2 Corporate Court, Bundall ("FTI's Address"), personally serve LM INVESTMENT MANAGEMENT LIMITED, the abovenamed Respondent in this action, with a Letter from Minter Ellison Lawyers dated 24 October 2013 ("Letter") and a copy of the Affidavit of David Thomas O'Brien sworn on 23 October 2013 in these proceedings ("Affidavit") by leaving the Letter and Affidavit at FTI's Address with Brittany Newman, receptionist.
2. Exhibited hereto and marked **RW-1** is a true copy of the Letter which was left at FTI's Address with the copy of the Affidavit.
3. Upon attending at FTI's Address I said to a person: "Is this the registered office of LM Investment Management Limited" to which this person replied, "Yes it is". I then handed this person the Letter and Affidavit and said "Are you able to accept service of these documents on behalf of LM Investment Management Limited?" to which this person replied, "Yes I can take those." I then said "Can I have your name?" to which this person replied "Brittany Newman."
4. All the facts and circumstances above deposed to are within my own knowledge, save such as are deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

Sworn by Ross Williams on 30 day of October 2013 at WILLOW VALE in the presence of:



Deponent



Solicitor/Justice of the Peace

Judith Williams

1 Stuckey Close
Willow Vale 4209
C-dec 77322

AFFIDAVIT OF SERVICE

Filed on behalf of the Applicant

MINTER ELLISON

Lawyers
Waterfront Place, 1 Eagle Street
Brisbane Qld 4000
Telephone: (07) 3119 6000
Facsimile: (07) 3119 1000

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: 8792 of 2013

Applicants: **KORDAMENTHA PTY LTD (ACN 100 169 391) AND
CALIBRE CAPITAL LTD (ACN 108 318 985) IN THEIR
CAPACITY AS TRUSTEES FOR THE LM MANAGED
PERFORMANCE FUND**

AND

Respondent: **LM INVESTMENT MANAGEMENT LIMITED
(RECEIVERS AND MANAGERS APPOINTED) (IN
LIQUIDATION) (ACN 077 208 461)**

CERTIFICATE OF EXHIBIT

Exhibit **RW-1** to the Affidavit of ROSS WILLIAMS sworn on *30 OCTOBER 2013*


Deponent


Solicitor/Commissioner for
Declarations/Justice of the Peace

Judith Williams
1 Stuckey Close
Willow Vale 4209
C-dec 77322

CERTIFICATE OF EXHIBIT

Filed on behalf of the Applicants

Form 47 Rule 435

ME_109399919_1 (W2007)

MINTER ELLISON
Lawyers
Waterfront Place
1 Eagle Street
BRISBANE QLD 4000
DX 102 BRISBANE
Telephone (07) 3119 6000
Facsimile (07) 3119 1000
Email: david.obrien@minterellison.com
Reference: MJV DOB 40-7744031

RW-1

MinterEllison

L A W Y E R S

24 October 2013

LEVEL 22 WATERFRONT PLACE 1 EAGLE STREET BRISBANE
PO BOX 7844 WATERFRONT PLACE QLD 4001 AUSTRALIA
DX 102 BRISBANE www.minterellison.com
T +61 7 3119 6000 F +61 7 3119 1000

BY HAND

The Proper Officer
LM Investment Management Limited (in Liquidation)
FTI Consulting
'Corporate Centre One' Level 9,
2 Corporate Court
BUNDALL QLD 4217

Dear Sir

**KordaMentha and Calibre Capital Limited as trustees of the LM Management
Performance Fund (MPF) -v- LM Investment Management Limited (in liquidation)
(LMIM)
Supreme Court of Queensland Proceeding No. 8792 of 2013**

We **enclose**, by way of service, the affidavit of David Thomas O'Brien sworn on 23 October 2013 in support of the abovementioned application.

Yours faithfully

MINTER ELLISON

David O'Brien

Contact: David O'Brien Direct phone: +61 7 3119 6159 Direct fax: +61 7 3119 1159
Email: david.obrien@minterellison.com
Partner responsible: David O'Brien Direct phone: +61 7 3119 6159
Our reference: MJV DOB 40-7744031

MINTER ELLISON GROUP AND ASSOCIATED OFFICES

ADELAIDE AUCKLAND BEIJING BRISBANE CANBERRA DARWIN GOLD COAST HONG KONG
LONDON MELBOURNE PERTH SHANGHAI SYDNEY ULAANBAATAR WELLINGTON