

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 888414

First Applicant:

**JOHN RICHARD PARK AND GINETTE
DAWN MULLER IN THEIR CAPACITY AS
JOINT AND SEVERAL LIQUIDATORS OF
LM INVESTMENT MANAGEMENT
LIMITED (IN LIQUIDATION)
ACN 077 208 461**

AND

Second Applicant:

**LM INVESTMENT MANAGEMENT
LIMITED (IN LIQUIDATION)
ACN 077 208 461 AS RESPONSIBLE
ENTITY FOR THE LM AUSTRALIAN
INCOME FUND**

AND

Respondents:

**KORDAMENTHA PTY LTD
ACN 100 169 391 AND CALIBRE CAPITAL
LIMITED ACN 108 318 985 AS TRUSTEE
FOR THE LM MANAGED PERFORMANCE
FUND**

ORIGINATING APPLICATION

TO: The Respondents

TAKE NOTICE that the Applicants are applying to the Court for the following
Orders:-

1. Pursuant to section 96 of the *Trusts Act 1973*, directions as to the proper course the First Applicants ought to take in response to the Respondent's Originating Application filed 19 September, 2013 regarding proceedings the Respondent proposes to commence against the First and or Second Applicant.



ORIGINATING APPLICATION

Filed on behalf of the Applicants

Form 5 Rule 26

Russells
Level 18
300 Queen Street
BRISBANE 4000
Phone: 07 3004 8888
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Email:
Mail@RussellsLaw.com.au

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2. Such further or other orders or directions as the Court deems appropriate.
 3. Costs of the Application be paid out of the LM Managed Performance Fund.

This Application will be heard by the Court at 415 George Street, Brisbane on
16 October, 2014 at 10.00am.

Filed in the Brisbane Registry on 19 September, 2014.

Registrar: 

If you wish to oppose this Application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the Orders sought may be made without further notice to you. In addition you may before the day for hearing file a Notice of Address for Service in this Registry. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. You must serve a copy of it at the Applicants' address for service shown in this Application as soon as possible.

On the hearing of the Application the Applicants intend to rely on the following Affidavits:-

1. Affidavit of John Richard Park to be sworn; and
2. Affidavit of Ian Anthony Bisson to be sworn.

If you intend on the hearing to rely on any Affidavits they must be filed and served at the Applicants' address for service prior to the hearing date.

**THE APPLICANTS ESTIMATE THE HEARING SHOULD BE ALLOCATED
TWO HOURS.**

PARTICULARS OF THE APPLICANTS

Name: **JOHN RICHARD PARK AND GINETTE DAWN MULLER IN THEIR CAPACITY AS JOINT AND SEVERAL LIQUIDATORS OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 077 208 461**

AND

LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 077 208 461 AS RESPONSIBLE ENTITY FOR THE LM AUSTRALIAN INCOME FUND

Applicants' residential or business addresses: c/- FTI Consulting, 22 Market Street, Brisbane, Queensland

Applicants' Solicitor's name Ashley John Tiplady

and firm name: Russells

Solicitor's business address: GPO Box 1402, Brisbane, Queensland, 4001

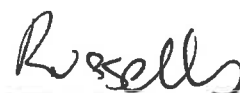
Address for service: Level 18, 300 Queen Street, Brisbane, Queensland, 4000

Telephone: 07 3004 8833

Fax: 07 3004 8899

Email: ATiplady@RussellsLaw.com.au

Signed:



Russells

Description: Solicitors for the Applicants

Dated: 19 September, 2014

This Application is to be served on:-

KORDAMENTHA PTY LTD

Level 24
333 Collins Street
MELBOURNE VIC 3000

AND

CALIBRE CAPITAL LIMITED

Level 5, Chifley Tower
2 Chifley Square
SYDNEY NSW 2000