

THE TRUST COMPANY (NOMINEES) LIMITED (ACN 004 134 441)

Plaintiff

and

MICHAEL FUNG IN HIS CAPACITY AS RECEIVER AND MANAGER OF ALIGN  
FUNDS MANAGEMENT LIMITED (RECEIVER & MANAGER APPOINTED)  
(ACN 105 684 231) IN ITS CAPACITY AS THE RESPONSIBLE ENTITY OF THE  
TIMBERCORP ORCHARD TRUST & ORS

Defendants

SIXTH AFFIDAVIT OF YU-CHIAO HSUEH

Date of document: 13 May 2014  
Filed on behalf of: The Second and Third Defendants  
Macpherson + Kelley  
Lawyers  
Level 22, 114 William Street  
MELBOURNE VIC 3000

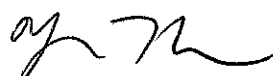
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I, **YU-CHIAO HSUEH** of Level 22, 114 William Street, Melbourne, solemnly and sincerely declare and affirm that:

- 1 I am an employee of the firm Macpherson + Kelley Lawyers (**M+K Lawyers**), the solicitors for the Second and Third Defendants, being the persons appointed as representatives of all of the growers in the Timbercorp project of which they are a member (together the **Representative Growers**). I have carriage of this matter on behalf of the Representative Growers under the supervision of my principal, Michael Fernon, and I am authorised to make this affidavit on their behalf.
- 2 Except where otherwise indicated, I make this affidavit from my own knowledge. Where I depose to matters from information or belief, I believe those matters to be true.
- 3 I make this further affidavit in connection with the application for approval of the Deed of Compromise.

**Further communications with Kerree Bezencon**

- 4 On 12 May 2014, I received two emails from Kerree Bezencon and on 13 May 2014, I sent an email to Ms Bezencon in reply. Now produced and shown to me marked **confidential exhibit YCH-18** is a true copy of the emails between Ms Bezencon and me dated 12 May 2014 and 13 May 2014. The emails refer to the substance of the Advice and Supplementary Advice provided to the Representative Growers in which the Representative Growers do not waive privilege.



- 5 Confidential exhibit YCH-18 is contained in a sealed envelope and the Representative Growers will make an application for an order that it be kept confidential as the emails refer to privileged communications between the Representative Growers and their legal representatives.

Affirmed by **YU-CHIAO HSUEH** )

at *Melbourne* in the State of Victoria )

this *13<sup>th</sup>* day of May 2014 )

Before me: *[Signature]* )

*[Signature]*

**BEFORE ME.....**  
**Anne Louise McCartney**  
**An Australian Legal Practitioner**  
**(within the meaning of the Legal Profession Act 2004)**  
**Level 22, 114 William St, Melbourne Vic 3000**