

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY Brisbane
NUMBER 12317 of 2014

Plaintiff **LM INVESTMENT MANAGEMENT LIMITED
(RECEIVERS AND MANAGERS APPOINTED) (IN
LIQUIDATION) (ACN 077 208 461) AS RESPONSIBLE
ENTITY OF THE LM FIRST MORTGAGE INCOME
FUND ARSN 089 343 288**

AND

First Defendant **PETER CHARLES DRAKE**

AND

Second Defendant **LISA MAREE DARCY**

AND

Third Defendant **EGHARD VAN DER HOVEN**

AND

Fourth Defendant **FRANCENE MAREE MULDER**

AND

Fifth Defendant **JOHN FRANCIS O'SULLIVAN**

AND

Sixth Defendant **SIMON JEREMY TICKNER**

AND

Seventh Defendant **LM INVESTMENT MANAGEMENT LIMITED**

ORDER

Filed on behalf of the Eighth Defendant



Form 59 Rule 661

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**(RECEIVERS AND MANAGERS APPOINTED) (IN
LIQUIDATION) (ACN 077 208 461)**

AND

Eighth Defendant

**KORDA MENTHA PTY LTD ACN 100 169 391 AND
CALIBRE CAPITAL PTY LTD ABN 66 108 318 985 IN
THEIR CAPACITY AS JOINT AND SEVERAL
TRUSTEES OF THE LM MANAGED PERFORMANCE
FUND**

ORDER

Before: Justice A. Lyons

Date: 18 February 2015

Initiating document: Application filed 13 February 2015

THE ORDER OF THE COURT IS THAT:

1. For the purposes of section 96 (2) of the *Trusts Act* 1973 (Qld) service of the Court documents referred to below may be effected on unitholders of the LM Managed Performance Fund ("MPF") by the following means:
 - (a) By 4.00pm on 5 March 2015, sending by email to all MPF unitholders for whom the eighth defendant has an email address, at the last known email address, a notice informing the MPF unitholders that the eighth defendant intends to seek this Honourable Court's directions under section 96 of the *Trusts Act* 1973 (Qld) to defend these proceedings, and that they may view all substantive Court documents upon which the eighth defendant intends to rely in support of its application on the website whose address is <http://www.kordamentha.com/creditor-information/australia/109>.
 - (b) By 4.00pm on 4 March 2015, the eighth defendant upload to the abovementioned website, copies of:
 - (i) the Claim and Statement of Claim filed on 19 December 2014;



- (ii) the eighth defendant's Application filed on 17 February 2015 for directions under section 96 of the *Trusts Act* 1973 (Qld);
 - (iii) this order;
 - (iv) the Statement of Facts drawn pursuant to section 96 (1) of the *Trusts Act* 1973 (Qld); and
 - (v) the substantive affidavits (including all the exhibits) that the eighth defendant intends to reply upon in support of its section 96 application.
2. Service in accordance with this order be deemed to be effective on each of the MPF unitholders as of 12 March 2015.
3. The eighth defendant's cost and expenses of and incidental to its application for this order be paid on the indemnity basis out of the LM Managed Performance Fund.




Deputy Registrar