

IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY
GENERAL DIVISION

No. VID 595 of 2009

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN: 092 311 469

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN 092 311 469
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF EACH OF THE
MANAGED INVESTMENTS SCHEMES LISTED IN SCHEDULE 1
AND IN ITS CAPACITY AS MANAGER OF THE UNREGISTERED
MANAGED INVESTMENTS SCHEME LISTED IN SCHEDULE 2

First Plaintiff

MARK ANTHONY KORDA

Second Plaintiff

LEANNE KYLIE CHESSER

Third Plaintiff

AMENDED ORIGINATING PROCESS

A. DETAILS OF APPLICATION

This application is made under section 511 of the *Corporations Act 2001* (Cth) (**Corporations Act**) and the inherent jurisdiction of the Court.

The Plaintiffs seek orders regarding questions that have arisen in the winding up of the First Plaintiff.

On the facts stated in the supporting affidavits of Mark Anthony Korda sworn on 13 August 2009 and 17 August 2009, the Second and Third Plaintiffs (in their capacity as liquidators of the First Plaintiff acting in its capacity as a responsible entity and manager) seek in respect of the managed investments schemes listed in Schedules 1 and 2:


Filed on behalf of the Plaintiffs

ARNOLD BLOCH LEIBLER
Lawyers and Advisers
Level 21
333 Collins Street
Melbourne 3000

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Tel: 9229 9999
Fax: 9229 9900
Ref: 01-1499489
(Leon Zwier)

- 1 A direction pursuant to section 511 of the Corporations Act and the inherent jurisdiction of the Court, that the Second and Third Plaintiffs are justified in procuring the First Plaintiff as responsible entity to amend the constitutions of the managed investment schemes listed in schedule 1 and 2, pursuant to section 601GC(1)(b) of the Corporations Act by executing the proposed deeds contained in exhibit MAK-19 to the affidavit of Mark Anthony Korda sworn on 17 August 2009 on the basis that such amendments will not adversely affect members' rights.
- 2 Such further or other orders as the Court deems fit.

DATE: 17 August 2009


ARNOLD BLOCH LEIBLER
Solicitors for the Plaintiffs

This application will be heard by the Federal Court of Australia at 305 William Street, Melbourne at 9:30 am on 14 August 2009.

B. NOTICE TO DEFENDANTS

Not applicable.

C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

Not applicable.

D. FILING

Date of filing:

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An officer acting with the authority of the
DISTRICT REGISTRAR

This originating process is filed by Arnold Bloch Leibler of Level 21, 333 Collins Street, Melbourne, VIC, 3000, solicitors for the plaintiff.

E. SERVICE

The plaintiff's address for service is C/- Arnold Bloch Leibler, Level 21, 333 Collins Street, Melbourne, VIC, 3000.

The plaintiffs do not intend to serve a copy of this originating process on any other party but it is intended to post a copy on the websites of KordaMentha and Arnold Bloch Leibler.

SCHEDULE 1
REGISTERED MANAGED INVESTMENT SCHEMES

1. 1997 Timbercorp Eucalypts Project (ARSN 112 309 234);
2. 1998 Timbercorp Eucalypts Project (ARSN 112 309 216);
3. 1999 Timbercorp Eucalypts Project (ARSN 085 827 872);
4. 2000 Timbercorp Eucalypts Project (ARSN 091 172 093);
5. 2001 Timbercorp Eucalypts Project (ARSN 094 392 000);
6. 2002 Timbercorp Eucalypts Project (ARSN 098 233 571);
7. 2003 Timbercorp Eucalypts Project (ARSN 103 183 446);
8. 2004 Timbercorp Eucalypts Project (ARSN 108 099 645);
9. 2004 Timbercorp Timberlot (Single Payment) Project (ARSN 108 336 830);
10. 2005 Timbercorp Timberlot (Single Payment) Project (ARSN 111 683 491); and
11. 2007/2008 Timbercorp Timberlot (Single Payment) Project (ARSN 122 510 981).

SCHEDULE 2
UNREGISTERED MANAGED INVESTMENT SCHEMES

1. 1999 Timbercorp Eucalypts Double Rotation Project (Private Offer)(Unregistered).