

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL & EQUITY DIVISION  
COMMERCIAL COURT

r2.4

LIST E

No 7144 of 2009

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED  
(UNDER ADMINISTRATION)  
ACN 092 311 469

TIMBERCORP SECURITIES LIMITED  
(UNDER ADMINISTRATION) ACN 092 311 469  
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF EACH OF THE  
MANAGED INVESTMENT SCHEMES LISTED IN SCHEDULE 1  
First Plaintiff

MARK ANTHONY KORDA and LEANNE KYLE CHESSER  
Second and Third Plaintiffs

AFFIDAVIT OF GRAHAM GOLDBERG

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|                              |                         |
|------------------------------|-------------------------|
| Date of document:            | 3 July 2009             |
| Filed on behalf of:          | Graham Goldberg         |
| Prepared by:                 |                         |
| Clarendon Lawyers            | Tel: 03 8681 4400       |
| Level 17, Rialto North Tower | Fax: 03 8681 4499       |
| 525 Collins Street           | Solicitors Code: 101294 |
| MELBOURNE VIC 3000           | Ref: MAB:0900205        |

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I, Graham Goldberg, 2, 649 Bridge Road, Richmond, Victoria, 3121, Accountant, make oath and say that:

1. I am a member of the 2003 Timbercorp Olive Project ARSN 104 648 473 (Scheme).
2. I make this affidavit on my own behalf and except where I otherwise indicate, the matters deposed to in this affidavit are deposed to from my own personal knowledge of the facts.
3. Where I depose to matters from information and belief, I believe such matters to be true.
4. I make this affidavit in support of the application for the appointment of a temporary responsible entity to the Scheme.
5. I believe that the appointment is necessary to protect the interests of members of the Scheme as a whole.
6. I hold this belief because:
  - a. I am aware of the application made by Mark Anthony Korda and Leanne Kyle Chesser as administrators for a direction to Timbercorp Securities Limited (Under



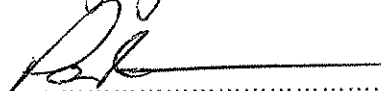
Administration) ACN 092 311 469 in its capacity as responsible entity of the Scheme (TSL) to wind up the Scheme;

- b. it is my belief that if the Scheme is wound up, this will cause both the Head Lease and Sub Lease to terminate which, subject to any rights for relief against forfeiture, would result in the forfeiture of all members' interests in the Scheme; and
- c. I understand that Mark Korda is also an administrator of the other companies in the Timbercorp group of companies and believe that such companies may benefit from the wind-up of the schemes and accordingly Mark Korda has a conflict of interests that would prevent him from discharging his duty as an officer of TSL and would prevent him from causing TSL to discharge its obligations to act in the best interests of the members of the scheme.

SWORN by the said Graham Goldenberg  
at Melbourne in the State of Victoria  
this 3<sup>rd</sup> day of July 2009

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Before me:.....

  
(P. D. RITCHIE)  
Sgt 22085

Boroondara Police Station  
34 Harp Road, Kew.  
Vic., 3101  
Ph: 8851 1111 Fax: 9859 9204