

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane

NUMBER: 11917 of 2015

Applicant

**KORDAMENTHA PTY LTD (ACN 100 169 391) AS
TRUSTEE FOR THE LM MANAGED PERFORMANCE
FUND**

AND

Respondent

**THE MEMBERS OF THE LM MANAGED
PERFORMANCE FUND**

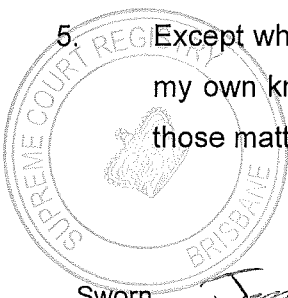
AFFIDAVIT OF JARROD VILLANI

SWORN ON: 4 DECEMBER 2020

I, **JARROD VILLANI** of Level 14, 12 Creek Street, Brisbane in the State of Queensland, chartered accountant, say on oath:

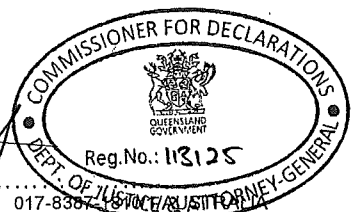
1. I am a Partner and authorised officer of KordaMentha, the accounting firm under which name KordaMentha Pty Ltd trades.
2. As set out below, KordaMentha Pty Ltd (**the Trustee**) is the trustee of the LM Managed Performance Fund (the **MPF**).
3. I am duly authorised by Mr Korda and Mr Mentha, the directors of the Trustee, to swear this affidavit on behalf of the Trustee.
4. I have been involved in managing the affairs of the MPF since the Trustee was appointed on 12 April 2013 and have been the person principally responsible for conducting those affairs on behalf of the Trustee since around January 2015.

5. Except where otherwise indicated, I depose to the matters set out in this affidavit from my own knowledge. Where I depose to matters from information and belief, I believe those matters to be true.



Sworn

Witness

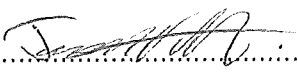


6. I refer to my open affidavit sworn in support of the Trustee's application dated 4 December 2020 (the **Application**) made under section 96 of the *Trusts Act 1973* (Qld) (the **Trusts Act**).
7. As set out in paragraph 171-175 of my open affidavit, since the Trustee's appointed, members of my team have engaged in extensive correspondence with an investor in the MPF with account numbered 100292564 which the investor considers was due to mature on 20 August 2012 (**Matured Investor**).
8. The Matured Investor has requested copies of the correspondence exchanged with the Trustee to be included in the Application and provided to the Court. Most recently the Matured Investor has engaged the following correspondence with the Trustee:
- 8.1. Email from Charles Borg to KordaMentha dated 8 November 2020;
- 8.2. Email from Charles Borg to KordaMentha dated 11 November 2020; and
- 8.3. Email from KordaMentha to Charles Borg dated 12 November 2020.
- Copies of the above correspondence are exhibited and marked Exhibit JV-22.
9. As set out in paragraph 173 of my open affidavit, all of the correspondence exchanged with the Matured Investor cannot be readily reproduced in hard copy format due to the volume of correspondence. An electronic USB marked "Exhibit JV-23" contains electronic copies of the correspondence exchanged with the Matured Investor.

Sworn by JARROD VILLANI

On 4 December 2020

at Brisbane, Queensland, in the presence of:


.....
Signed


.....
Witness


The seal is an oval stamp. The outer border contains the text "COMMISSIONER FOR DECLARATIONS" at the top and "DEPT. OF JUSTICE & ATTORNEY-GENERAL" at the bottom. In the center, there is a small crest of the Queensland Government. Below the crest, the text "Reg.No.: 112125" is printed.