

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

No 8870 of 2009
and of 2009

List B

COMMERCIAL COURT

BETWEEN

TIMBERCORP LIMITED (IN LIQUIDATION)
ACN 055 185 067

First Plaintiff

and

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN 092 311 469

Second Plaintiff

PLANTATION LAND LIMITED
ACN 090 443 333

Defendant

AFFIDAVIT OF KATHERINE MARIA HILL

Date of document: 9 October 2009
Filed on behalf of: the Plaintiffs

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(Leon Zwier - lzwier@abl.com.au)

I, **KATHERINE MARIA HILL** of 60 Portland Road, Hamilton, in the state of Victoria, Green Triangle Administration Manager (Forestry Division), **MAKE OATH AND SAY** that:

- 1 I am the Green Triangle Administration Manager of the Forestry Division of the First Plaintiff, Timbercorp Ltd (in liquidation) (ACN 055 185 067) (**Timbercorp**). I am authorised by Timbercorp and the Second Plaintiff, Timbercorp Securities Ltd (in liquidation) (ACN 092 311 469) (**TSL**) to make this affidavit on their behalf.
- 2 One of my primary roles, in the course of my employment, is to manage the leases on which Timbercorp and TSL conduct the forestry managed investment schemes. I am

aware that Timbercorp and TSL lease a number of properties from the Defendant, Plantation Land Limited (PLL).

- 3 One of the PLL Leases concerns a property which is known as Milltown. On 30 March 2001, PLL entered into a lease with TSL (**First Milltown Lease**). The leased area recorded in the First Milltown is Crown Grant Volume 8060 Folio 601. It was on this land that the Milltown Treefarm plantation was established (**Milltown Plantation**). Now produced and shown to me and marked "**KMH-1**" is a copy of the First Milltown Lease.
- 4 On 30 June 2002, PLL entered into a second lease in relation to the Milltown Plantation (**Second Milltown Lease**). The leased area recorded in the Second Milltown Lease is Crown Grant Volume 8060 Folio 601, Crown Grant Volume 8085 Folio 490, Certificate of Title Volume 6935 Folio 824, and Certificate of Title Volume 10331 Folio 533. Now produced and shown to me and marked "**KMH-2**" is a copy of the Second Milltown Lease. Now produced and shown to me and marked "**KMH-3**" is a copy of the title searches for Crown Grant Volume 8060 Folio 601, Crown Grant Volume 8085 Folio 490, Certificate of Title Volume 6935 Folio 824, and Certificate of Title Volume 10331 Folio 533.
- 5 On 10 March 2008, PPL entered into another lease in relation to the Milltown Plantation (**Third Milltown Lease**). The leased area recorded in the Third Milltown Lease is Crown Grant Volume 8060 Folio 601, Crown Grant Volume 8085 Folio 490, Certificate of Title Volume 6935 Folio 824, and Certificate of Title Volume 10331 Folio 533. Now produced and shown to me and marked "**KMH-4**" is a copy of the Third Milltown Lease.
- 6 I understand that the land in Certificate of Title Volume 10331 Folio 533 was subdivided, and resulted in two Certificates of Title: Volume 10535 Folio 933, and Volume 10535 Folio 934. Now produced and shown to me and marked "**KMH-5**" is a copy of the title searches for Certificates of Title: Volume 10535 Folio 933, and Volume 10535 Folio 934.

SWORN at
in the State of Victoria
by **KATHERINE MARIA HILL** this
9th day of October
2009

) Hamilton

) Victoria

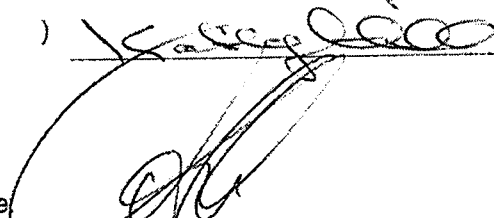
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Before me


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