

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 3691 of 2013

Applicants

KORDAMENTHA PTY LTD (ACN 100 169 391)

AND

CALIBRE CAPITAL LTD (ABN 66 108 318 985)

**IN THEIR CAPACITY AS TRUSTEES FOR THE LM
MANAGED PERFORMANCE FUND**

AND

First Respondents

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

AND

Second Respondent

**JOHN RICHARD PARK AND GINETTE MULLER IN THEIR
CAPACITY AS JOINT AND SEVERAL LIQUIDATORS OF LM
INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION)
ACN 077 208 461**

AMENDED ORDER

Before: Justice Martin

Date: 18 March 2014

Initiating document: Application filed 12 November 2013

THE ORDER OF THE COURT IS THAT:

1. The LM Managed Performance Fund ("**the Trust**") be wound up.
2. The Applicants be directed to wind up the Trust, pursuant to clause 15.2(c) of the Constitution of the Trust.
3. Without derogating in any way from orders (1) and (2), the Applicants be authorised to exercise the powers contained in clauses 12 and 15.6 of the Constitution of the Trust, until such time as all winding up procedures have been completed.
4. Without derogating in any way from the Applicants' powers pursuant to these Orders, the Applicants are authorised to investigate, bring, defend or maintain any proceedings on behalf of the Trust as are necessary for the winding up of the Trust and the realisation of its assets (including any legal claims the Trust may have), including the execution of any documents as required and providing instructions to solicitors in respect of all matters in relation to the

ORDER
Filed on Behalf of the Applicants
Form 1, Version 1
Uniform Civil Procedure Rules 1999
Rule 6

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conduct of such proceedings including, if appropriate, instructions in relation to the settlement of those proceedings.

THE COURT DIRECTS THAT:

5. The Applicants are justified in repaying the amounts listed in paragraph 4 of the affidavit of Simon Michael Vertullo filed 30 January 2014 to the persons who paid those amounts to LM Investment Management Limited ACN 077 208 461 (in liquidation).
6. The Applicants' costs of this application, including reserved costs, be paid from the assets of the Fund on the indemnity basis.

Signed:

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Registrar