

r 5.02(1)

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

LIST

No _____ of 2009SCI 2009 10091 |

BETWEEN

TIMBERCORP LIMITED (IN LIQUIDATION)
ACN 055 185 067

Plaintiff

and

CADOGAN ESTATES (AUSTRALIA) PTY LTD
ACN 008 715 053

First Defendant |

ITC LIMITED
ACN 069 762 634

Second Defendant |

AMENDED WRIT

PURSUANT TO THE ORDERS OF JUSTICE MADE 4 DECEMBER 2009

Date of document: ~~13 November~~ 4 December 2009

Filed on behalf of: the Plaintiff

Prepared by:

ARNOLD BLOCH LEIBLER

Lawyers and Advisers

Level 21

333 Collins Street

MELBOURNE 3000

Solicitor's Code: 54

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Ref: 01-1499489

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

TO THE DEFENDANTS

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this writ.

IF YOU INTEND TO DEFEND the proceeding or if you have a claim against the plaintiff which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing an appearance within the proper time for appearance stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by:

- (a) filing a "Notice of Appearance" in the Prothonotary's office, 436 Lonsdale Street, Melbourne, or, where the writ has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this writ.

IF YOU FAIL to file an appearance within the proper time, the plaintiff may OBTAIN JUDGMENT AGAINST YOU on the claim without further notice.

1 An order has not been made fixing time for appearance THE PROPER TIME TO FILE AN APPEARANCE is as follows:

- (a) where you are served with the writ in Victoria, within 10 days after service;
- (b) where you are served with the writ out of Victoria and in another part of Australia, within 21 days after service;
- (c) where you are served with the writ in New Zealand or in Papua New Guinea, within 28 days after service;
- (d) where you are served with the writ in any other place, within 42 days after service.]

~~IF the plaintiff claims a debt only and you pay that debt, namely, \$ _____ and \$ _____ for legal costs to the plaintiff or its solicitor within the proper time for appearance, this proceeding will come to an end. Notwithstanding the payment you may have the costs taxed by the Court.~~

FILED

13 NOV 2009

Prothonotary

THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

- 1 Place of trial: Melbourne.
- 2 Mode of trial: Judge of the Court sitting alone.
- 3 This writ was filed for the plaintiff by Arnold Bloch Leibler, Lawyers and Advisers of Level 21, 333 Collins Street, Melbourne 3000.
- 4 The address of the plaintiff is C/- KordaMentha, Level 24, 333 Collins Street, Melbourne, 3000.
- 5 The address for service of the plaintiff is C/- Arnold Bloch Leibler, Lawyers and Advisers of Level 21, 333 Collins Street, Melbourne 3000.
- 6 The address of the first defendant is Level 2, 3 Norfolk Street, Fremantle, WA 6160.
- 7 The address of the second defendant is Level 3, 27 Currie Street, Adelaide, SA 5000