

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

List B
S CI 2013 01477

B E T W E E N

THE TRUST COMPANY (NOMINEES) LIMITED (ACN 000 154 441)

Plaintiff

and

MICHAEL FUNG IN HIS CAPACITY AS RECEIVER AND MANAGER OF ALIGN FUNDS
MANAGEMENT LIMITED (RECEIVER AND MANGER APPOINTED) (ACN 105 684 231) IN
ITS CAPACITY AS THE RESPONSIBLE ENTITY OF THE TIMBERCORP ORCHARD
TRUST & ORS (ACCORDING TO THE ATTACHED SCHEDULE)

Defendants

SUMMONS
(BELLA VISTA RIGHTS PROCEEDING)

Date of document: 12 March 2014

Filed on behalf of: The Plaintiff

Prepared by:

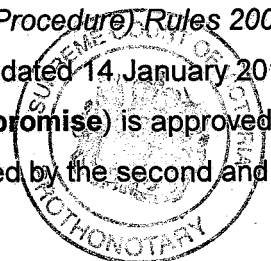
Allens
Lawyers
101 Collins Street
Melbourne VIC 3000

Solicitor code: 21455
DX 30999 Melbourne
Tel 9614 1011 Fax 9614 4661
Ref: CCHM:120339854

To: the first to third defendants.

You are summoned to attend before the Court on the hearing of an application by the plaintiff for the following orders:

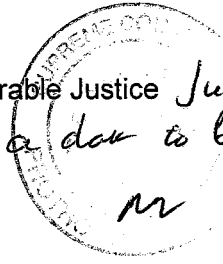
1. Pursuant to rule 16.01(4) of the *Supreme Court (General Civil Procedure) Rules 2005*, the compromise set out in clause 2 of the deed of compromise dated 14 January 2014 between the plaintiff and the first to third defendants (the **Compromise**) is approved and shall be binding on the absent persons who are represented by the second and third defendants.
2. The proceeding is dismissed.
3. The plaintiff's and the second and third defendants' costs of this proceeding, including their costs of and incidental to negotiating and giving effect to the deed of compromise,



be paid in accordance with paragraph 6 of the orders of the Honourable Justice Judd made on 19 July 2013.

4. There be otherwise no order as to costs.

This application will be returnable before the Honourable Justice Judd in Court No. Supreme Court, 210 William Street, Melbourne, on *a day to be fixed at*



DATE: 12 March 2014

This summons was filed by Allens of 101 Collins Street, Melbourne, solicitors for the plaintiff.

SCHEDULE

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

List B
S CI 2013 01477

B E T W E E N

THE TRUST COMPANY (NOMINEES) LIMITED (ACN 000 154 441)

Plaintiff

and

MICHAEL FUNG IN HIS CAPACITY AS RECEIVER AND MANAGER OF ALIGN FUNDS
MANAGEMENT LIMITED (RECEIVER AND MANAGER APPOINTED) (ACN 105 684 231) IN
ITS CAPACITY AS THE RESPONSIBLE ENTITY OF THE TIMBERCORP ORCHARD
TRUST

First Defendant

and

ANTHONY WILLIAM CORMICK IN HIS CAPACITY AS REPRESENTATIVE OF THE
GROWERS IN THE 2004 TIMBERCORP TABLE GRAPE PROJECT (ARSN 108 648 086)

Second Defendant

and

JEYARASA RASIAH AND ANNE RASIAH IN THEIR CAPACITY AS REPRESENTATIVES
OF THE GROWERS IN THE 2005 TIMBERCORP TABLE GRAPE PROJECT (ARSN 113
512 226)

Third Defendants

