

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

List B

S CI 2013 01477

BETWEEN

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  
AND ORS (ACCORDING TO THE SCHEDULE ATTACHED)

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

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Date of document: 21 March 2014

Filed on behalf of: The plaintiff

Prepared by:

**Allens**

Lawyers

101 Collins Street

Melbourne VIC 3000

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DX 30999 Melbourne

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Ref CCHM:120339854

(Clint.Hinchen@allens.com.au)

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This is the **Exhibit** marked '**CCH-19**' now produced and shown to **Clinton Charles Hinchen** at the time of swearing his affidavit on 21 March 2014.

Before me 

**ELYSE KATE ADAMS**  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-19': a true copy of the  
email from Mr Frank O'Brien to  
Allens dated 23 April 2013**

## Adams, Elyse

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**From:** Frank O'Brien <Frank.O'Brien@bendigoadelaide.com.au>  
**Sent:** Tuesday, 23 April 2013 12:05 PM  
**To:** Salvo, Alicia  
**Cc:** Hayden Williams; Hinchin, Clint  
**Subject:** RE: Supreme Court of Victoria Proceeding No SCI 1477 of 2013 - Bella Vista Rights Proceeding

Dear Alicia

Reference your letter dated 3 April 2013 re the above.

Based on information currently before us in relation to this matter, Sandhurst Trustees Limited as Trustee for Annuity Bondholders does not intend to take any role in the above Proceeding.

Regards

Frank

Frank O'Brien

Sandhurst Trustees | 120 Harbour Esplanade Docklands | VIC 3008  
P: 03 8414 7867 | M: 0419 008 804 | E: frank.o'brien@bendigoadelaide.com.au



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**From:** Salvo, Alicia [<mailto:Alicia.Salvo@allens.com.au>]  
**Sent:** Friday, 19 April 2013 2:16 PM  
**To:** Frank O'Brien  
**Cc:** Hayden Williams; Hinchin, Clint  
**Subject:** Supreme Court of Victoria Proceeding No SCI 1477 of 2013

Dear Mr O'Brien

As requested, please find attached a copy of the email sent to Mr Williams on 3 April 2013 concerning the Bella Vista Rights Proceeding.

Regards

Alicia Salvo  
Lawyer  
Allens

**Allens > Linklaters**

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101 Collins Street  
Melbourne VIC 3000 Australia  
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Allens is an independent partnership operating in alliance with Linklaters LLP.

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