

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

List B

S CI 2013 01478

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

Date of document: 21 March 2014

Filed on behalf of: The plaintiff

Prepared by:

Allens

Lawyers

101 Collins Street

Melbourne VIC 3000

Solicitor code: 21455

DX 30999 Melbourne

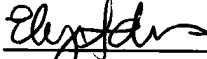
Tel 9614 1011 Fax 9614 4661

Ref CCHM:120338387

(Clint.Hinchen@allens.com.au)

This is the **Exhibit** marked '**CCH-31**' 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-31': a true copy of the
letter from ASIC to Allens dated
26 February 2014**



ASIC

Australian Securities & Investments Commission

26 February 2014

Mr Clint Hinchin
Partner
Allens
101 Collins Street
Melbourne Vic 3000
By email

Commonwealth Bank Building
240 Queen Street, Brisbane
GPO Box 9827 Brisbane QLD 4001
DX 322 Brisbane

Telephone: (07) 3867 4700

Facsimile: (07) 3867 4725

ASIC website: www.asic.gov.au

Dear Sir,

Bella Vista and Kangara Apportionment Proceedings

I refer to your letter dated 24 February 2014 in relation to the Supreme Court of Victoria Proceedings Nos. S CI 2013 1477 and S CI 2013 1478 (respectively, the Bella Vista Rights Proceedings and the Kangara Rights Proceedings).

As the Bella Vista Rights Proceedings and Kangara Rights Proceedings are currently the subject of Court proceedings, processes appear to be in place for providing disclosure to growers and for dissenting growers to raise concerns with the Court, ASIC does not consider it necessary to be involved in the processes, or to participate in the hearings identified in your letter. Further ASIC does not consider it necessary to sight the deeds of compromise.

We would however appreciate you notifying ASIC of any significant change to the proposed compromise and of the outcomes of the hearings identified in your letter.

Should you have any questions or wish to discuss any issues please contact me on (07) 3867 4804.

Yours sincerely

Paul Eastment
Senior Manager
Investment Managers and Superannuation

CC David Porter/Karli Cibich, Norton Rose Fulbright
 Michael Fernon/Yu-chiao Hsueh, M+K Lawyers
 Jane Sheridan/Jing Chang, Arnold Bloch Leibler