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

LIST D
S CI 2011 6777

BETWEEN

**FENCEPORT PROPRIETARY LIMITED (ACN 139 604 121)
& ORS (according to the attached Schedule)**

Plaintiffs

and

**CON MOSHOPOLOUS
& ORS (according to the attached Schedule)**

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 18 September 2012
Filed on behalf of: Timbercorp Securities Ltd (in liquidation) (ACN 092 311 469) and
Olivecorp Management Limited (in liquidation) (ACN 089 542 343)

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This is the exhibit marked "**MAK-5**" now produced and shown to **MARK ANTHONY KORDA**
at the time of swearing his affidavit on 18 September 2012.

MEAGAN LOUISE GROSE

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An Australian Legal Practitioner within the
meaning of the Legal Profession Act 2004

Before me: _____

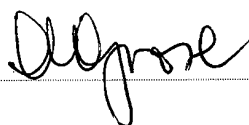


Exhibit "MAK-5"
Agreed Protocol and Communications
Spreadsheet

Timbercorp Horticultural Assets Settlement

Protocols for Operators

These protocols are to be followed upon receiving a question by telephone or email from growers in relation to the compromises reached in the Timbercorp Horticultural Asset Settlement proceedings listed below:

- S APCI 2011 0103 Almond Land Rights Appeal Proceeding;
- S CI 2010 1354 Boundary Bend Rights Proceeding;
- S CI 2011 6604 Liparoo and Yungera Rights Proceeding;
- S CI 2011 6606 Solara Rights Proceeding; and
- S CI 2011 6777 Fenceport Rights Proceeding.

1. Recording calls and emails received

(a) Calls

On receipt of a call an operator should record the time and date of the call in the spreadsheet.

The operator should request the following details from the caller to be recorded:

- (i) name; and
- (ii) scheme to which the caller is a member (the caller may not know).

The operator should then allow the caller to ask their question or make their objection to the relevant compromise.

If the caller:

- (i) asks a question and the operator can answer the question (in accordance with section 2), the question and answer or information provided by the operator should be recorded in the spreadsheet;
- (ii) asks a question and the operator cannot answer the question in accordance with section 2, the general nature of the question should be recorded in the spreadsheet and marked for escalation to Clarendon Lawyers; or
- (iii) makes an objection, the general nature of the objection should be recorded in the spreadsheet and marked for escalation to Clarendon Lawyers.

(b) Emails

On receipt of an email an operator should record the following information in the spreadsheet:

- (i) the time and date of the email;
- (ii) name of the person emailing;
- (iii) scheme to which the person is a member (this information may not be provided);
- (iv) any questions asked and the answers or information provided; and
- (v) any objection to the compromise.

2. Answering questions

(a) How to respond

Questions received by call are to be responded to immediately in the call.

Questions received by email are to be answered by return email as promptly as possible.

When answering questions the operator should refer to the frequently asked questions (FAQs) or information on the Timbercorp database.

If the person is not satisfied with the answer given by the operator or the operator is unable to answer the question based on the information in the FAQs or the Timbercorp database, the question is to be forwarded to Clarendon Lawyers.

The operator should tell the person calling or in return email that:

- (i) their question will be referred to Clarendon Lawyers for further consideration; and
- (ii) the person should expect a direct response to their question by Clarendon Lawyers as promptly as possible.

(b) Information to be provided

Operators should not go beyond the scope of the FAQs or the Timbercorp database information when answering questions.

If an operator is unsure of the answer to a question or if the scope of the question goes beyond the information to be provided to growers by operators, the question is to be forwarded to Clarendon Lawyers for further consideration.

3. Responding to objections

Operators should respond to callers and emails with the following information:

- (a) the objection has been recorded; and
- (b) Clarendon Lawyers will be notified of the grower's objection.

4. Referring questions to Clarendon Lawyers

The spreadsheets recording all calls and emails received from growers will be forwarded to Clarendon Lawyers on a daily basis.

The spreadsheets will contain the text of all emails received and the responses to those emails.

Operators must clearly mark on the spreadsheets the questions that are being referred to Clarendon Lawyers for further consideration and answer.

[illegible]