

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

LIST E

SCI 2010

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED  
(IN LIQUIDATION)

ACN 092 311 469

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)  
ACN 092 311 469 IN ITS CAPACITY AS RESPONSIBLE ENTITY  
OF THE 2005 TIMBERCORP CITRUS PROJECT (ARSN 114 091 299)  
AND ORS ACCORDING TO THE SCHEDULE

Plaintiffs

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 25 January 2010

Filed on behalf of: The Plaintiffs

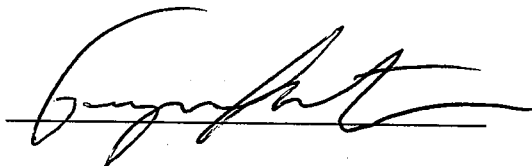
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This is the exhibit marked '**DLM-4**' now produced and shown to DAVID LAURENCE MCEVOY at the time of swearing this affidavit on 25 January 2010.

Before me



**BENJAMIN PETER RECHTER**  
of 530 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**Exhibit 'DLM-4'**

**Copy of  
Notice of Appointment**



# NOTICE TO COMPANY OF APPOINTMENT OF RECEIVER

To: OIM #2 Pty Ltd (ABN 24 112 691 997) as trustee for the Timbercorp Orchard Trust #2  
Level 33, 360 Collins Street  
Melbourne, Victoria, 3000  
Attention: Mr. Trevor Moyle  
Fax: (03) 9642 0066  
(the **Company**)

**THE RECEIVER** (specified in schedule 2) **GIVES NOTICE** as follows.

1. On 16 September 2009, under powers conferred on Australia and New Zealand Banking Group Limited (**Mortgagee**) under the deed of charge specified in schedule 1 (**Charge**) granted by the Company, the Mortgagee appointed the Receiver as receiver and manager of the property of the Company described in schedule 3 with all powers conferred on the Receiver under the Charge, the Deed of Appointment and by law.
2. That appointment has been accepted by the Receiver.
3. The Mortgagee has fixed the remuneration payable to the Receiver as the receiver and manager at an amount calculated in accordance with schedule 4.

## Schedule 1

(Charge)

Fixed and Floating Charge dated 30 September 2005  
(registered no. 1218819)

## Schedule 2

(Receiver)

David McEvoy and Paul William Kirk of PricewaterhouseCoopers  
Freshwater Place, Level 19, 2 Southbank Boulevard, Southbank, Victoria 3006, Australia

## Schedule 3

(Charged property)

All the assets charged by the Mortgagor under the Charge.

## Schedule 4

(Remuneration)

The rates set by Pricewaterhouse Coopers from time to time for work of the nature to be performed by the Receivers, their partners or employees.

  
Receiver

Name: 