

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

LIST B

No of 2009

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN 092 311 469

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION) (ACN 092311469)
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF EACH OF THE
MANAGED INVESTMENTS SCHEMES LISTED IN SCHEDULE 1 AND IN ITS OWN
CAPACITY AND ORS ACCORDING TO THE SCHEDULE

First Plaintiff

CERTIFICATE OF EXHIBIT

Date of document: 19 November 2009

Filed on behalf of: the Plaintiffs

Prepared by:

ARNOLD BLOCH LEIBLER

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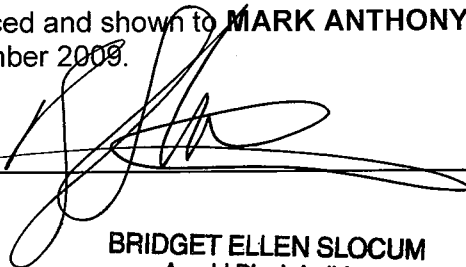
Tel: 9229 9999

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Ref: 01-1499489

This is the exhibit marked "**MAK-10**" now produced and shown to **MARK ANTHONY KORDA**
at the time of swearing his affidavit on 19 November 2009.

Before me:



BRIDGET ELLEN SLOCUM
Arnold Bloch Leibler
Level 21, 333 Collins Street
Melbourne 3000
An Australian Legal Practitioner within the
meaning of the Legal Profession Act 2004

Exhibit "**MAK-10**"

Pagone J's orders in Proceeding 9299 of 2009 dated 6 October 2009.

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

LIST A
S CI 2009 09299

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION) and others (according to the schedule attached) Plaintiffs

GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Pagone

DATE MADE: 29 September 2009

ORIGINATING PROCESS: Filed on 29 September 2009

HOW OBTAINED: Plaintiffs' amended originating process filed 30 September 2009

ATTENDANCE: Mr L. Zwier, solicitor for the Plaintiffs.
Mr G. Bigmore of Her Majesty's Counsel, with Mr M. Galvin of Counsel, for Mr M Fernon.
Mr L. Glick of Senior Counsel, with Ms S. Cipriano of Counsel, for the Commonwealth Bank of Australia.

OTHER MATTERS: None

THE COURT ORDERS THAT:

- 1 The Second and Third Plaintiffs are acting reasonably and appropriately in entering into, or procuring:
- (a) the Sixth and Twelfth Plaintiffs;
 - (b) the Second and Fourth Plaintiffs in their capacity as liquidators of the Seventh, Eighth, Ninth and Tenth Plaintiffs;
 - (c) the Second, Fourth and Fifth Plaintiffs in their capacity as liquidators of the Eleventh Plaintiff; and
 - (d) the First Plaintiff as responsible entity of the managed investment schemes listed in Schedule 1 and 2 to this Order (**Forestry Schemes**),

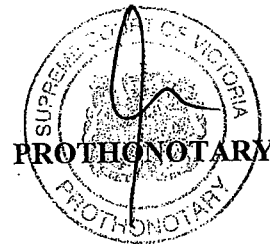
to enter into and perform the Sale and Purchase Deed in general (including in the First Plaintiff's capacity as responsible entity and as agent and attorney of the Growers in the Forestry Schemes), including to terminate or surrender

each relevant Grower sub-lease in accordance with the Sale and Purchase Deed exhibited as MAK-14 to the Second Affidavit of Mark Anthony Korda sworn on 30 September 2009.

- 1 The Second and Third Plaintiffs are acting reasonably and appropriately in procuring the First Plaintiff as responsible entity of the Forestry Schemes to pay the Commonwealth Bank of Australia (CBA) from the proceeds of sale arising from the Sale and Purchase Deed such amount as is required to cause the CBA to either release or assign all of its securities over the Timbercorp Group Companies (as defined in the First Affidavit of Mark Anthony Korda sworn 29 September 2009).
- 2 Exhibits MAK-4 and MAK-12 to the First Affidavit of Mark Anthony Korda sworn 29 September 2009 and exhibit MAK-14 to the Second Affidavit of Mark Anthony Korda sworn on 30 September 2009 be kept confidential.

DATE AUTHENTICATED: 6 October 2009

MB 6/10/09



SCHEDULE OF PARTIES

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION) (ACN 092 311 469)
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF EACH OF THE
MANAGED INVESTMENTS SCHEMES LISTED IN SCHEDULE 1
AND IN ITS CAPACITY AS MANAGER OF THE UNREGISTERED
MANAGED INVESTMENTS SCHEME LISTED IN SCHEDULE 2
First Plaintiff

MARK ANTHONY KORDA
Second Plaintiff

LEANNE KYLIE CHESSER
Third Plaintiff

MARK FRANCIS XAVIER MENTHA
Fourth Plaintiff

CLIFFORD ROCKE
Fifth Plaintiff

TIMBERCORP LIMITED (IN LIQUIDATION)
Sixth Plaintiff

TIMBERCORP PLANTATIONS 2002 IAB PTY LTD (IN LIQUIDATION)
Seventh Plaintiff

TIMBERCORP PLANTATIONS PTY LTD (IN LIQUIDATION)
Eighth Plaintiff

TIMBERCORP LANDS PTY LTD (IN LIQUIDATION)
Ninth Plaintiff

TIMBERCORP PROPERTIES LIMITED (IN LIQUIDATION)
Tenth Plaintiff

TIMBERCORP FORESTRY PTY LTD (IN LIQUIDATION)
Eleventh Plaintiff

TIMBERCORP LOT INVESTMENTS PTY LTD (IN LIQUIDATION)
Twelfth Plaintiff



SCHEDULE 1

REGISTERED MANAGED INVESTMENT SCHEMES

1. 1997 Timbercorp Eucalypts Project (ARSN 112 309 234);
2. 1998 Timbercorp Eucalypts Project (ARSN 112 309 216);
3. 1999 Timbercorp Eucalypts Project (ARSN 085 827 872);
4. 2000 Timbercorp Eucalypts Project (ARSN 091 172 093);
5. 2001 Timbercorp Eucalypts Project (ARSN 094 392 000);
6. 2002 Timbercorp Eucalypts Project (ARSN 098 233 571);
7. 2003 Timbercorp Eucalypts Project (ARSN 103 183 446);
8. 2004 Timbercorp Eucalypts Project (ARSN 108 099 645);
9. 2004 Timbercorp Timberlot (Single Payment) Project (ARSN 108 336 830);
10. 2005 Timbercorp Timberlot (Single Payment) Project (ARSN 111 683 491); and
11. 2007/2008 Timbercorp Timberlot (Single Payment) Project (ARSN 122 510 981).

SCHEDULE 2

UNREGISTERED MANAGED INVESTMENT SCHEMES

1. 1999 Timbercorp Eucalypts Double Rotation Project (Private Offer) (Unregistered).

