

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

S CI 2011

**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 2004 TIMBERCORP CITRUS  
PROJECT (ARSN 108 887 538) AND THE 2005 TIMBERCORP CITRUS PROJECT (ARSN  
114 091 299) AND ORS ACCORDING TO THE SCHEDULE**  
Plaintiffs

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document: 28 February 2011  
Filed on behalf of: the Plaintiffs

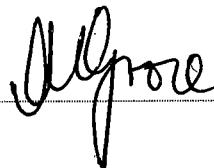
Prepared by:  
**ARNOLD BLOCH LEIBLER**  
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Ref: 011572335  
(Leon Zwier - lzwier@abl.com.au)

This is the exhibit marked "MAK-13" now produced and shown to **MARK ANTHONY KORDA** at the time of swearing his affidavit on 28 February 2011.

**MEAGAN LOUISE GROSE**  
Arnold Bloch Leibler  
Level 21, 333 Collins Street  
Melbourne 3000  
An Australian Legal Practitioner within the  
meaning of the Legal Profession Act 2004

Before me:



**Exhibit "MAK-13"**  
**Email from Chris Day to Jane Sheridan dated  
19 November 2010**

Filed on behalf of the Plaintiffs  
**ARNOLD BLOCH LEIBLER**  
Lawyers and Advisers  
Level 21  
333 Collins Street  
Melbourne 3000

DX 38455 Melbourne  
Tel: 9229 9999  
Fax: 9229 9900  
Ref: 011572335  
(Leon Zwier)

**Meagan Grose**

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**From:** Jane Sheridan  
**Sent:** Friday, 19 November 2010 4:41 PM  
**To:** Chris Day  
**Cc:** Antony Munro  
**Subject:** RE: Notice of meeting of Members of 2004 Timbercorp Citrus Project and 2005 Timbercorp Citrus Project

Thanks Chris.

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**From:** Chris Day [mailto:chris.day@fabal.com.au]  
**Sent:** Friday, 19 November 2010 3:47 PM  
**To:** Jane Sheridan  
**Cc:** Antony Munro  
**Subject:** FW: Notice of meeting of Members of 2004 Timbercorp Citrus Project and 2005 Timbercorp Citrus Project

Dear Guys

Here is the email that we have sent to PwC last week for your review.

Regards

Chris

**Chris Day**  
Chief Executive Officer  
  
Email: [chris.day@fabal.com.au](mailto:chris.day@fabal.com.au)  
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**From:** Chris Day  
**Sent:** Thursday, 11 November 2010 12:44 PM  
**To:** 'Hinchen, Clint'; 'michael.fung@au.pwc.com'  
**Cc:** kerree@siger.com.au; Chris Dundon; Rex Booker; 'Peter Holt'  
**Subject:** RE: Notice of meeting of Members of 2004 Timbercorp Citrus Project and 2005 Timbercorp Citrus Project

Dear Michael & Clint

I am sure that you are aware of the outcome of the meeting by this time. It was attended by KM and ABL as well as a number of growers. There were considerable proxies voted in favour of a both resolutions. These proxies were given to a number of people who attended that meeting.

However, as a matter of courtesy, I inform you of the following:

- (1) It was decided prior to the meeting (and after discussion with Robert Costa) that the opportunity to conclude a transaction between Align and Costa should be given every opportunity to be finalised;
- (2) That the RE role would not be changed on Tuesday 9/11;
- (3) That, if the proposed agreement should not proceed for whatever reason, the existing growers should have a right to be involved in the future direction;
- (4) At the meeting, disclosure was made of your letters/emails, previous correspondence with ABL and you and other matters of relevance regarding offers for the property and of the fact that you will not provide us with a copy of the Crop Sale Deed you so often refer to;
- (5) The meeting decided to change the RE but effective from 22/11 so that your transaction can be concluded;
- (6) Each project voted for the removal of KM and appointment of FABAL. There was over 75% and 85% (respectively) in favour of the change of RE;
- (7) Minutes are being finalised at this time and we may provide you a copy if you require them for select purposes only.

As we have previously discussed, FABAL is seeking to work with all parties and not against them. We will not enter into costly legal battles that hurt growers. Our actions on Tuesday are a further indication of this stance.

We look forward to being notified by 19/11 on whether the transaction is proceeding or not so that we can represent the growers in the appropriate matter.

Kind regards

Chris

**Chris Day**

Chief Executive Officer

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**From:** Hinchin, Clint [<mailto:Clint.Hinchin@aar.com.au>]

**Sent:** Tuesday, 9 November 2010 8:54 AM

**To:** Chris Day

**Cc:** [kerree@siger.com.au](mailto:kerree@siger.com.au); [JSheridan@abl.com.au](mailto:JSheridan@abl.com.au); Chris Dundon; Admin Distribution; Swan, Christine

**Subject:** Notice of meeting of Members of 2004 Timbercorp Citrus Project and 2005 Timbercorp Citrus Project

**Importance:** High

Chris

A letter is attached for your urgent attention in connection with the proposed meetings of members today.

Cheers

Clint Hinchin | Partner

Allens Arthur Robinson 

530 Collins Street | Melbourne 3000 | **Australia**  
t +61 3 9613 8924 m +61 0411 221 924

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Website: <http://www.aar.com.au> | Office locations: <http://www.aar.com.au/offices> | Partner contacts:  
<http://www.aar.com.au/experts>

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