

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

**LIST E**

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

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document: 23 February 2011

Filed on behalf of: The Plaintiffs


Prepared by:

**Allens Arthur Robinson**  
Lawyers  
530 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref (mkwm:cchm:306250099)  
Matthew.Whittle@aar.com.au  
Clint.Hinchen@aar.com.au

This is the exhibit marked '**PWK30**' now produced and shown to PAUL WILLIAM KIRK at the time of swearing his affidavit on 23 February 2011.

Before me

  
**DANIELLE RUTH NAHUM**  
of 530 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**Exhibit 'PWK30'**

**Email from FABAL to Allens dated  
14 October 2010**

**Email - Timbercorp Orchard Trust**  
**RECEIVED**

PwC Ref: Note from FABAL on adjourning meeting

By: Michael Fung

Date: 14/10/2010

☐ Return Receipt

☐ High Priority

Response: ☐ Response Required?

Branch Timbercorp Orchard Trust

Filing Ref 115 Change in RE

**Document History**

**From:** "Hinchen, Clint" <Clint.Hinchen@aar.com.au> on 14/10/2010 08:52 AM ZE11

**Subsequent comments:**

**Doclinks supporting additional comments (NB: Do NOT include attachments here or they will be sent with the email):**

**To:** "Chris Day" <chris.day@fabal.com.au>, "Whittle, Matthew" <Matthew.Whittle@aar.com.au>  
**cc:** Michael Fung/AU/FAS/PwC@AsiaPac  
**bcc:**  
**Subject:** RE: Timbercorp Citrus Projects - Meeting of Members

Chris

Thanks very much for the update . Please let us know the outcome of the meetings .

Cheers

Clint

**Clint Hinchen** | Partner

Allens Arthur Robinson

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

---

**From:** Chris Day [mailto:chris.day@fabal.com.au]

**Sent:** Thursday, 14 October 2010 6:44 AM

**To:** Whittle, Matthew

**Cc:** Hinchen, Clint

**Subject:** RE: Timbercorp Citrus Projects - Meeting of Members

Dear Matthew

I am sorry for the delay but I have been travelling in outback WA looking at properties. We have held meetings late yesterday with Robert Costa and others and believe that the previous strategy that you

outlined in your letter should be followed. That means that it is highly likely that both meetings today will be adjourned until early November so that PwC and FABAL/Others have time to lay out a plan. The plan should be seen as working with PwC and Costa and not against them.

I am in Melbourne today should you need to speak with me.

Regards

Chris

**Chris Day**  
Chief Executive Officer

Email: [chris.day@fabal.com.au](mailto:chris.day@fabal.com.au)  
Direct line: 08 8208 4020  
Mobile: 0418 552 200

Food And Beverage Australia Limited  
PO Box 719  
5-7 King William Road  
UNLEY SA 5061  
P: **(08) 8208 4000** | F: **(08) 8208 4099**  
Email: [admin@fabal.com.au](mailto:admin@fabal.com.au)  
Website: [www.fabal.com.au](http://www.fabal.com.au)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. The recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.



please consider the environment before printing this email.

**From:**  
Whittle,  
le,

Matthew [mailto:Matthew.Whittle@aar.com.au]

**Sent:** Tuesday, 12 October 2010 5:22 PM

**To:** Chris Day

**Cc:** Hinchin, Clint

**Subject:** Timbercorp Citrus Projects - Meeting of Members

Dear Chris,

Please see the attached letter.

Regards,  
Matthew

**Matthew Whittle** | Senior Associate

Allens Arthur Robinson



530 Collins Street | Melbourne 3000 | **Australia**  
t +61 3 9613 8561 m +61 420 937 105

\*\*\*\*\*

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

This email is confidential and may be subject to legal or other professional privilege. It is also subject to copyright. If you have received it in error, confidentiality and privilege are not waived and you must not disclose or use the information in it. Please notify the sender by return email and delete it from your system. Any personal information in this email must be handled in accordance with the Privacy Act 1988 (Cth).

\*\*\*\*\*

\*\*\*\*\*

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

This email is confidential and may be subject to legal or other professional privilege. It is also subject to copyright. If you have received it in error, confidentiality and privilege are not waived and you must not disclose or use the information in it. Please notify the sender by return email and delete it from your system. Any personal information in this email must be handled in accordance with the Privacy Act 1988 (Cth).

\*\*\*\*\*