

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

IN THE MATTER OF THE TIMBERCORP RIGHTS PROCEEDINGS

S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)

S CI 2011 6777 (Fenceport Rights Proceeding)

S CI 2011 6604 (Liparoo & Yungera Rights Proceeding)

S CI 2011 6606 (Solara Rights Proceeding)

S CI 2010 1354 (BB Olives Rights Proceeding)

FURTHER AFFIDAVIT OF CELIA JANE ARMSTRONG

Date of document:

18 October 2012

Filed on behalf of:

The Representative Growers

Prepared by:

Clarendon Lawyers

Tel: 03 8681 4400

Level 17, Rialto North Tower

Fax: 03 8681 4499

525 Collins Street

Solicitors Code: 101294

MELBOURNE VIC 3000

MJF 1100412

michael.fernon@clarendonlawyers.com.au

I, **CELIA JANE ARMSTRONG** of Level 17, Rialto North Tower, 525 Collins Street, Melbourne, make oath and say that:

- 1 I am an employee of the firm Clarendon Lawyers Pty Ltd, the solicitors for the Representative Growers in the Timbercorp Rights Proceedings. Subject to the supervision of my principal, Michael Fernon, I have the carriage of this matter on behalf of the Representative Growers and I am authorised to make this affidavit on their behalf.
- 2 Except where otherwise indicated, I make this affidavit from my own knowledge. Where I depose to matters from information or belief, I believe those matters to be true.
- 3 I am making this affidavit in respect of each of the Timbercorp Rights Proceedings.
- 4 I have submitted a number of affidavits in each of the Timbercorp Rights Proceedings, the most recent being the Further Affidavit of Celia Jane Armstrong dated 17 October 2012, which I refer to as my **Earlier Affidavits**. Where I have defined terms in my Earlier Affidavits, I adopt those definitions in this affidavit.
- 5 I make this affidavit in connection with my Further Affidavit of Celia Jane Armstrong sworn on 12 October 2012 and my Further Affidavit of Celia Jane Armstrong sworn on 17 October 2012.
- 6 I am informed by Ms Bezencon that the final two pages of exhibit CJA-KK to my Further Affidavit of Celia Jane Armstrong sworn on 17 October 2012 correctly belong at the end of the final document in the bundle of documents exhibited as CJA-Y to my Further Affidavit of Celia Jane Armstrong sworn on 12 October 2012.



7 On 17 October 2012 I received two further emails from Ms Bezencon forwarding to me the following emails from growers:

- (a) An email from Jeff Young objecting to the offer amount. Now produced and shown to me marked "**CJA-LL**" is a true copy of the email from Ms Bezencon dated 17 October 2012 forwarding the email from Jeff Young.
- (b) An email from Sue Xerri objecting to the amount per lot. Now produced and shown to me marked "**CJA-MM**" is a true copy of the email from Ms Bezencon dated 17 October 2012 forwarding the email from Sue Xerri.

SWORN by CELIA JANE ARMSTRONG
at Melbourne in the State of Victoria
this 18th day of October 2012

)
)
) 

Before me: 

SARAH DORN
of Clarendon Lawyers Pty Ltd
Level 17, Rialto North Tower
525 Collins St, Melbourne Victoria 3000
an Australian Legal Practitioner within the
meaning of the *Legal Profession Act 2004*

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EXHIBIT NOTE

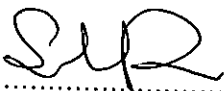
Date of document:
Filed on behalf of:
Prepared by:
Clarendon Lawyers
Level 17, Rialto North Tower
525 Collins Street
MELBOURNE VIC 3000

18 October 2012
The Representative Growers

Tel: 03 8681 4400
Fax: 03 8681 4499
Solicitors Code: 101294
MJF 1100412

michael.fernon@clarendonlawyers.com.au

This is the exhibit marked "exhibit CJA-LL" now produced and shown to **CELIA JANE ARMSTRONG** at the time of swearing her affidavit on 18 October 2012.

Before me:.....

SARAH DORN
of Clarendon Lawyers Pty Ltd
Level 17, Rialto North Tower
525 Collins St, Melbourne Victoria 3000
an Australian Legal Practitioner within the
meaning of the *Legal Profession Act 2004*

CJA-LL

**Email from K Bezencon on 17 October 2012
forwarding the email from Jeff Young**

Celia Armstrong

From: kerree bezencon [kerree@timbercorp growers.com]
Sent: Wednesday, 17 October 2012 8:07 PM
To: Celia Armstrong
Subject: Fwd: Objection to the offer amount

----- Forwarded message -----

From: Young, Jeff R <Jeff.Young@bluescopesteel.com>
Date: Mon, Oct 15, 2012 at 11:19 AM
Subject: Objection to the offer amount
To: "kerree@timbercorp growers.com" <kerree@timbercorp growers.com>

I have been on leave and this is the first I knew of any objection.

I wish to lodge my objection to the offer amount.

Regards

Jeff Young
Maintenance Analyst
BlueScope Steel
Western Port Maintenance Alliance
03 59796484
0409563093

NOTICE - This message and any attached files may contain information that is confidential, legally privileged or proprietary. It is intended only for use by the intended recipient. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient, be advised that you have received this message in error. Any dissemination, copying, use or re-transmission of this message or attachment, or the disclosure of any information therein, is strictly forbidden. BlueScope Steel Limited does not represent or guarantee that this message or attachment is free of errors, virus or interference.

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Date of document:

18 October 2012

Filed on behalf of:

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michael.fernon@clarendonlawyers.com.au

This is the exhibit marked "**exhibit CJA-MM**" now produced and shown to **CELIA JANE ARMSTRONG** at the time of swearing her affidavit on 18 October 2012.

Before me:.....

SARAH DORN

of Clarendon Lawyers Pty Ltd

Level 17, Rialto North Tower

525 Collins St, Melbourne Victoria 3000

an Australian Legal Practitioner within the
meaning of the *Legal Profession Act 2004*

CJA-MM

**Email from K Bezencon on 17 October 2012
forwarding the email from Sue Xerri**

Celia Armstrong

From: kerree bezencon [kerree@timbercorp growers.com]
Sent: Wednesday, 17 October 2012 8:13 PM
To: Celia Armstrong
Subject: Fwd: Fw: Timbercorp Growers Information No 3.

----- Forwarded message -----

From: Sue Xerri <sue_xerri@yahoo.com>
Date: Fri, Oct 5, 2012 at 10:40 PM
Subject: Fw: Timbercorp Growers Information No 3.
To: "kerree@timbercorp growers.com" <kerree@timbercorp growers.com>

Hi,

I don't have enough background in front of me to write a detailed objection however the last I read on the court hearings was that my Olive/Almond investments were worth a whole \$200 per lot from the court settlements which I would like to object to. My lots dated back to 2003 so I invested a lot more money than that into them.

Let me know what else I can do, hopefully this is not too late.

Cheers

Sue

From: Kerree Bezencon <kerree@timbercorp growers.com.au>
To: sue_xerri@yahoo.com
Sent: Friday, 28 September 2012 8:36 AM
Subject: Timbercorp Growers Information No 3.

Urgent for...

Disadvantaged Timbercorp Investors

SO FAR THE COURT WILL SEE ONLY ONE RECORDED
WRITTEN "OBJECTION"

- EXCEPT FOR US - WE'RE STILL HERE, STILL OBJECTING

BUT WE NEED YOU

YOUR ONLY WAY TO PROTEST IS THROUGH US HERE-

RIGHT NOW, RIGHT THIS MOMENT

THIS IS FOR YOUR RIGHTS

DONT' DELAY - LODGE YOUR PROTEST BY EMAIL TO:-

kerree@timbercorp growers.com

ITS THAT SIMPLE

*DOING NOTHING MEANS YOU AGREE WITH
KORDA MENTHAS ACTIONS*

This message was sent to sue_xerri@yahoo.com from:

Michael Pointer | Don Road | Healesville, Victoria 3777, Australia

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