

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

r5.02(2)

No 7114 of 2009

LIST E

BETWEEN

DAVID BUTTERFIELD OF THE 2002 TIMBERCORP OLIVE PROJECT ARSN 098 233 455
Applicant

AND

TIMBERCORP SECURITIES LIMITED (UNDER ADMINISTRATION) ACN 092 311 469
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE 2002 TIMBERCORP OLIVE PROJECT
First Plaintiff

MARK ANTHONY KORDA and LEANNE KYLE CHESSEY
Second and Third Plaintiffs

INTERLOCUTORY PROCESS

A. DETAILS OF APPLICATION


This matter is made under Regulation 5C.2.02 of the *Corporations Regulations* 2001.

On the facts stated in the supporting affidavit, the applicant David Butterfield applies for the following relief –

1. for the appointment of a temporary responsible entity to the 2002 Timbercorp Olive Project ARSN 098 233 455 (2002 Timbercorp Olive Project), because the applicant reasonably believes that the appointment is necessary to protect scheme property or the interests of members of the 2002 Timbercorp Olive Project as a whole.
2. an order that the proceedings be heard together with the Supreme Court of Victoria, Commercial and Equity Division in the matter of Timbercorp Securities Limited (Under Administration) ACN 092 311 469 No 7114 of 2009.

Date:

6/7/09


Mark Bland
Solicitor for the applicant

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

6 July 2009
David Butterfield

Tel: 03 8681 4400
Fax: 03 8681 4499
Solicitors Code: 101294
Ref: MAB:0900205

FORM 3

This interlocutory application will be heard by Robson J at the Supreme Court of
Victoria at Melbourne at 10:00 am/pm on 15 July 2009 at 450 LITTLE BOURKE STREET MELBOURNE

B. NOTICE TO RESPONDENT(S) IF ANY

TO: Timbercorp Securities Limited (Under Administration) ACN 092 311 469

In its capacity as Responsible Entity of the 2002 Timbercorp Olive Project of Level 8, 461 Bourke Street, Melbourne 3000.

AND TO: Mark Anthony Korda and Leanne Kyle Chesser of Level 24, 333 Collins Street, Melbourne, 3000.

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the office of the Prothonotary and serve a copy of it on the plaintiff in the originating process.

FILED - 7 JUL 2009

This interlocutory process is filed by Clarendon Lawyers for the application.

The applicant's address for service is c/o Clarendon Lawyers, Level 17, Rialto North Tower, Melbourne, Victoria, 3000, telephone number (03) 8681 4415, facsimile (03) 8681 4499

It is intended to serve a copy of this interlocutory process on each respondent and on any person listed below:

Timbercorp Securities Limited (Under Administration) ACN 092 311 469

In its capacity as Responsible Entity of the 2002 Timbercorp Olive Project of Level 8, 461 Bourke Street, Melbourne 3000.

Mark Anthony Korda and Leanne Kyle Chesser of Level 24, 333 Collins Street, Melbourne, 3000.

Pamela Hanrahan, Senior Executive Leader, Investment Managers, and Andrew Tregear of ASIC
GPO Box 9827, Melbourne 3000.

Date of document:

6 July 2009

Filed on behalf of:

David Butterfield

Prepared by:

Clarendon Lawyers

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Level 17, Rialto North Tower

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