

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

r5.02(2)

No 9998 of 2009

LIST E

BETWEEN

John Angus Hordern
Applicant

AND

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION) ACN 092 311 469
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT
SCHEMES IN SCHEDULE 1
First Plaintiff

MARK ANTHONY KORDA and LEANNE KYLE CHESSER
Second and Third Plaintiffs

INTERLOCUTORY PROCESS

A. DETAILS OF APPLICATION

This matter is made under section 1321 of the *Corporations Act 2001* (Cth).

On the facts stated in the supporting affidavit of George Kalil dated 11 November 2009 and the affidavit of Michael Joseph Fernon dated 10 November 2009, the applicant John Angus Hordern, a member of the Timbercorp Olive Project 2003 ARSN 104 648 473 applies for the following relief –

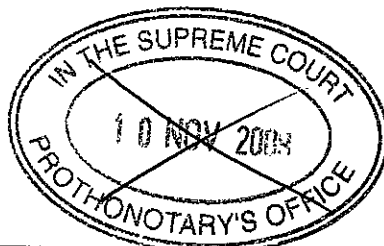
1. to appeal to the Court to reverse or modify the whole of the decision made by the Second and Third Plaintiffs (**Liquidators**) to award Boundary Bend Limited (**BBL**) as the preferred bidder and enter into a sale and purchase deed with BBL in respect of the Olive Scheme assets; and
2. to make other such orders as the Court deems fit.

The relief is applied for based on the grounds set out in the accompanying affidavits.

Date: 10 November 2009

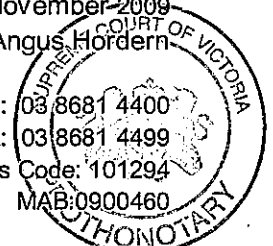

Mark Bland
Solicitor for the applicant

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



10 November 2009
John Angus Hordern

Tel: 03 8681 4400
Fax: 03 8681 4499
Solicitors Code: 101294
Ref: MAB0900460



Supreme Court of Victoria
 Court 2, Old High Court
 450 Little Bourke St.
 Melbourne 3000

This interlocutory application will be heard by Justice Croft at the Supreme Court of Victoria at Melbourne at 10:30 am/pm on 11 November 2009

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 Timbercorp Olive Schemes 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 10 NOV 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 Timbercorp Olive Schemes 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:

10 November 2009

Filed on behalf of:

John Angus Hordern

Prepared by:

Clarendon Lawyers

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