

THE TRUST COMPANY (NOMINEES) LIMITED (ACN 004 134 441)

Plaintiff

and

MICHAEL FUNG IN HIS CAPACITY AS RECEIVER AND MANAGER OF ALIGN  
FUNDS MANAGEMENT LIMITED (RECEIVER & MANAGER APPOINTED)  
(ACN 105 684 231) IN ITS CAPACITY AS THE RESPONSIBLE ENTITY OF THE  
TIMBERCORP ORCHARD TRUST & ORS

Defendants

FOURTH AFFIDAVIT OF YU-CHIAO HSUEH

Date of document: 8 May 2014  
Filed on behalf of: The Second and Third Defendants  
Macpherson + Kelley  
Lawyers  
Level 22, 114 William Street  
MELBOURNE VIC 3000


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I, **YU-CHIAO HSUEH** of Level 22, 114 William Street, Melbourne, solemnly and sincerely declare and affirm that:

- 1 I am an employee of the firm Macpherson + Kelley Lawyers (**M+K Lawyers**), the solicitors for the Second and Third Defendants, being the persons appointed as representatives of all of the growers in the Timbercorp project of which they are a member (together the **Representative Growers**). I have carriage of this matter on behalf of the Representative Growers under the supervision of my principal, Michael Fernon, 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 make this further affidavit in connection with the application for approval of the Deed of Compromise.

**Grower objections**

- 4 I refer to paragraphs 7 to 19 of my second affidavit dated 17 April 2014 and paragraphs 9 to 11 of my third affidavit dated 7 May 2014.
- 5 I have created a schedule that details the communications between Ms Kerree Bezencon and me and places them in chronological order with the following columns:
  - (a) a "Date/time" column that records the time and date of the relevant communication;



- (b) an "Exhibit/CB #" column that sets out the relevant exhibit number and Court Book reference; and
- (c) an "Email" column that contains the content of the relevant communication (for example, the body of emails has been copy and pasted).

Now produced and shown to me **marked confidential exhibit YCH-17** is a true copy of the schedule I prepared dated 8 May 2014. The communications refer to privileged communications and materials and the Representative Growers do not waive that privilege.

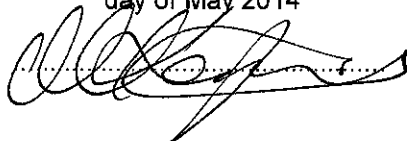
- 6 Confidential exhibit YCH-17 is contained in a sealed envelope and the Representative Growers will make an application for an order that it be kept confidential.
- 7 To the best of my knowledge, there have been no other grower objections or Escalated Queries or Comments.

Affirmed by **YU-CHIAO HSUEH** )

at *Melbourne* in the State of Victoria )

this *8<sup>th</sup>* day of May 2014 )

Before me:



BEFORE ME.....  
Madeleine Joanne Karpidis  
An Australian Legal Practitioner  
(within the meaning of the Legal Profession Act 2004)  
Level 22, 114 William St, Melbourne Vic 3000