

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

SCI 2010 398

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 2005 TIMBERCORP CITRUS PROJECT (ARSN 114 091 299)  
AND ORS

Plaintiffs

CERTIFICATE IDENTIFYING EXHIBIT


Date of document: 8 February 2010  
Filed on behalf of: the Plaintiffs

Prepared by:  
**ARNOLD BLOCH LEIBLER**  
Lawyers and Advisers  
Level 21  
333 Collins Street  
MELBOURNE 3000

Solicitor's Code: 54  
DX 38455 Melbourne  
Tel: 9229 9999  
Fax: 9229 9900  
Ref: 01-1531208  
(Leon Zwier - lzwier@abl.com.au)

This is the exhibit marked "**MAK-10**" now produced and shown to **MARK ANTHONY KORDA** at the time of swearing his affidavit on 8 February 2010.

Before me:



CATHERINE HELEN MACRAE  
Arnold Bloch Leibler  
Level 21, 333 Collins Street  
Melbourne 3000  
An Australian Legal Practitioner within the  
meaning of the Legal Profession Act 2004

**Exhibit "MAK-10"**  
**Letter from Herbert Geer to ABL**  
**dated 5 February 2010**

# herbertgeer

Level 20 385 Bourke Street  
Melbourne Victoria 3000  
Australia  
Direct Line: 9641 8917  
Direct Fax: 9642 4435  
e-mail: tmay@herbertgeer.com.au

## FACSIMILE TRANSMISSION

5 February 2010

<b>To</b> ARNOLD BLOCH LEIBLER	<b>Attention</b> MR ZWIER	<b>Facsimile No.</b> 9229 9900
<b>From</b> Tom May		<b>Our Ref</b> AHM

**Re** Timbercorp Securities Ltd : Citrus : SCI 2010 398

**No. of Pages** 1 (including this one)

This facsimile contains privileged and confidential information intended only for the use of the addressee named above. Neither the confidentiality of nor any privilege in this facsimile is waived lost or destroyed by reason that it has been transmitted other than to the addressee. If you are not the intended recipient of this facsimile you are hereby notified that you must not disseminate, copy or take any action in reliance on it. If you have received this facsimile in error please notify Herbert Geer immediately and return it to Herbert Geer at the above address at our cost.

Dear Sir

We have been instructed to act on behalf of the Growers' Committee in the above proceeding which has been set down for hearing on 9 February 2010.

Mr May of our office has attempted to speak to Mr Zwier of your office by telephone on two separate occasions this morning, but has not been successful. He also enquired of Mr Zwier's personal assistant the name of the practitioner assisting Mr Zwier in this matter. This information was not able to be provided to Mr May.

We have engaged Mr David Shavin QC and Mr Douglas Gration to appear and urgently require:

- (a) a copy of the Constitution and other constituent documents for the Citrus Schemes;
- (b) a copy of the Affidavit of Korda referred to in the Originating Motion;
- (c) access (for Counsel alone) to all confidential exhibits.

We also enquire as to who will be appearing for your clients.

Yours faithfully  
**HERBERT GEER**

Herbert Geer

Please telephone immediately if all pages not received