

IN THE FEDERAL COURT OF AUSTRALIA

DISTRICT REGISTRY

NOTICE OF FILING AND HEARING

This application was filed electronically in the Federal Court of Australia on

CASE DETAILS

Case Number:

Case Description:

District Registry:

Time and date for hearing:

Place:



A handwritten signature in blue ink, which appears to read "Warwick Soden".

Dated:

Registrar

Note

This Notice forms part of the application and contains information that might otherwise appear elsewhere in the application. The Notice must be included in the application served on each party to the proceeding.

IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY
GENERAL DIVISION



No. VID 541 of 2009

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN: 092 311 469

AND

IN THE MATTER OF TIMBERCORP LIMITED (IN LIQUIDATION)
ACN: 055 185 067

TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN 092 311 469
and OTHERS

Plaintiffs

WA CHIP & PULP CO. PTY LTD
ACN 008 720 518
and OTHERS

Defendants

NOTICE OF MOTION

(Order 19, rule 2)

The abovenamed Plaintiffs will at 9.00 am on 27 August 2009, at the Federal Court of Australia, 305 William Street, Melbourne move the Court for orders under section 568(8) of the *Corporations Act 2001* (Cth) (**the Act**) that:

- 1 An order adding as Defendants to the proceeding each of the persons who have served the notices contained in Exhibit MAK-35 to the Fifth Affidavit of Mark Anthony Korda sworn on 26 August 2009.
- 2 The time by which the Third and Fourth Plaintiffs be entitled to disclaim the property the subject of each of the notices specified in Schedule 1, under section 568(8) of the (**the Act**), be extended until 4.15pm on 30 September 2009 provided that nothing in this order affects any right, at law or otherwise, which any Landlord has in respect of any existing or future breach of the Relevant Lease/Sub-Lease.

Filed on behalf of the Plaintiffs

ARNOLD BLOCH LEIBLER
Lawyers and Advisers
Level 21
333 Collins Street
Melbourne 3000

DX 38455 Melbourne
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Fax: 9229 9900
Ref: (Leon Zwier)
Email: lzwier@abl.com.au



3 An order abridging time for the service of this notice of motion.

4 Such further or other orders as the Court deems fit.

Date: 26 August 2009

A handwritten signature in black ink, which appears to read "Jane Sheridan", is written over a horizontal dotted line.

Jane Sheridan
ARNOLD BLOCH LEIBLER
Solicitors for the Plaintiffs

Version 1

**SCHEDULE 1**

- 1 Notice served by the 1st Defendant (500 Acres) on 6/07/09
- 2 Notice served by the 1st Defendant (Charlottes Plain) on 6/07/09
- 3 Notice served by the 1st Defendant (De Munck) on 6/07/09
- 4 Notice served by the 1st Defendant (Old Kent River 670) on 6/07/09
- 5 Notice served by the 1st Defendant (Riggs, lease reference 0212-SL) on 6/07/09
- 6 Notice served by the 1st Defendant (Riggs, lease reference 0155-SL) on 6/07/09
- 7 Notice served by the 1st Defendant (Riggs, lease reference 0209-SL) on 6/07/09
- 8 Notice served by the 1st Defendant (Tipperary 445) on 6/07/09
- 9 Notice served by the 1st Defendant (Tom Hughes) on 6/07/09
- 10 Notice served by the 1st Defendant (Weber 677) on 6/07/09
- 11 Notice served by the 2nd Defendant (500 Acres) on 6/07/09
- 12 Notice served by the 2nd Defendant (Corbalup, lease reference 0269-SL) on 6/07/09
- 13 Notice served by the 2nd Defendant (Corbalup, lease reference 0262-SL) on 6/07/09
- 14 Notice served by the 2nd Defendant (Crosby 103) on 6/07/09
- 15 Notice served by the 2nd Defendant (Cyclone 106) on 6/07/09
- 16 Notice served by the 2nd Defendant (Duncton 140) on 6/07/09
- 17 Notice served by the 2nd Defendant (Lamberti 270) on 6/07/09
- 18 Notice served by the 2nd Defendant (Longhorn 283) on 6/07/09
- 19 Notice served by the 2nd Defendant (McAndrew 301) on 6/07/09
- 20 Notice served by the 2nd Defendant (McDaniel 304) on 6/07/09
- 21 Notice served by the 2nd Defendant (Minjiminjup, lease reference 0271-SL) on 6/07/09
- 22 Notice served by the 2nd Defendant (Minjiminjup, lease reference 0272-SL) on 6/07/09
- 23 Notice served by the 2nd Defendant (Southern Finch 418) on 6/07/09



- 24 Notice served by the 2nd Defendant (Van Bremen 462) on 6/07/09
- 25 Notice served by the 2nd Defendant (Waddington 466) on 6/07/09
- 26 Notice served by the 2nd Defendant (Wilcox) on 6/07/09
- 27 Notice served by the 2nd Defendant (Yungup 934) on 6/07/09
- 28 Notice served by the 1st Defendant (Adams 569) on 6/07/09
- 29 Notice served by the 1st Defendant (Anning 659) on 6/07/09
- 30 Notice served by the 1st Defendant (Beames 636) on 6/07/09
- 31 Notice served by the 1st Defendant (Boylan) on 6/07/09
- 32 Notice served by the 1st Defendant (Bracknell, lease reference 0167-SL) on 6/07/09
- 33 Notice served by the 1st Defendant (Bracknell, lease reference 0219-SL) on 6/07/09
- 34 Notice served by the 1st Defendant (Bush 923) on 6/07/09
- 35 Notice served by the 1st Defendant (Carmarthen 638) on 6/07/09
- 36 Notice served by the 1st Defendant (Chittleborough, lease reference 0017-SL1) on 6/07/09
- 37 Notice served by the 1st Defendant (Chittleborough, lease reference 0017-SL2) on 6/07/09
- 38 Notice served by the 1st Defendant (Chittleborough, lease reference 0017-SL3) on 6/07/09
- 39 Notice served by the 1st Defendant (Deep Creek 719) on 6/07/09
- 40 Notice served by the 1st Defendant (Dennis, lease reference 0187-SL) on 6/07/09
- 41 Notice served by the 1st Defendant (Determes, lease reference 0148-SL) on 6/07/09
- 42 Notice served by the 1st Defendant (Determes, lease reference 0149-SL1) on 6/07/09
- 43 Notice served by the 1st Defendant (Determes, lease reference 0149-SL2) on 6/07/09
- 44 Notice served by the 1st Defendant (Dhublock 674) on 6/07/09
- 45 Notice served by the 1st Defendant (Dufty 660) on 6/07/09
- 46 Notice served by the 1st Defendant (Duncan, lease reference 0021-SL1) on 6/07/09
- 47 Notice served by the 1st Defendant (Duncan, lease reference 0021-SL2) on 6/07/09



- 48 Notice served by the 1st Defendant (Erith 718) on 6/07/09
- 49 Notice served by the 1st Defendant (Erskine 627) on 6/07/09
- 50 Notice served by the 1st Defendant (Eulup, lease reference 0027-SL) on 6/07/09
- 51 Notice served by the 1st Defendant (Eulup, lease reference 0045-SL) on 6/07/09
- 52 Notice served by the 1st Defendant (Field, lease reference 0128-SL) on 6/07/09
- 53 Notice served by the 1st Defendant (Field, lease reference 0129-SL) on 6/07/09
- 54 Notice served by the 1st Defendant (Gindarra 662) on 6/07/09
- 55 Notice served by the 1st Defendant (Grylls, lease reference 0033-SL) on 6/07/09
- 56 Notice served by the 1st Defendant (Grylls, lease reference 0034-SL) on 6/07/09
- 57 Notice served by the 1st Defendant (Grylls, lease reference 0035-SL) on 6/07/09
- 58 Notice served by the 1st Defendant (Henwood 711) on 6/07/09
- 59 Notice served by the 1st Defendant (Hollingworth 663) on 6/07/09
- 60 Notice served by the 1st Defendant (Jenkins, lease reference 0228-SL) on 6/07/09
- 61 Notice served by the 1st Defendant (Jenkins, lease reference 0229-SL) on 6/07/09
- 62 Notice served by the 1st Defendant (Jones, lease reference 0042-SL) on 6/07/09
- 63 Notice served by the 1st Defendant (Jones, lease reference 0043-SL) on 6/07/09
- 64 Notice served by the 1st Defendant (Knowle Hill 665) on 6/07/09
- 65 Notice served by the 1st Defendant (Lambert 736) on 6/07/09
- 66 Notice served by the 1st Defendant (Leween 666) on 6/07/09
- 67 Notice served by the 1st Defendant (Lymon 667) on 6/07/09
- 68 Notice served by the 1st Defendant (Martin 737) on 6/07/09
- 69 Notice served by the 1st Defendant (Milner 668) on 6/07/09
- 70 Notice served by the 1st Defendant (Naturi 733) on 6/07/09
- 71 Notice served by the 1st Defendant (Nekel 637) on 6/07/09



- 72 Notice served by the 1st Defendant (Pavlovich, lease reference 0121-SL) on 6/07/09
- 73 Notice served by the 1st Defendant (Pavlovich, lease reference 0157-SL) on 6/07/09
- 74 Notice served by the 1st Defendant (Preston Park, lease reference 0136-SL) on 6/07/09
- 75 Notice served by the 1st Defendant (Preston Park, lease reference 0176-SL) on 6/07/09
- 76 Notice served by the 1st Defendant (Ross, lease reference 0250-SL) on 6/07/09
- 77 Notice served by the 1st Defendant (Ross, lease reference 0251-SL) on 6/07/09
- 78 Notice served by the 1st Defendant (Shanbrel 673) on 6/07/09
- 79 Notice served by the 1st Defendant (Slade, lease reference 0170-SL) on 6/07/09
- 80 Notice served by the 1st Defendant (Slade, lease reference 0171-SL) on 6/07/09
- 81 Notice served by the 1st Defendant (Stain, lease reference 0210-SL) on 6/07/09
- 82 Notice served by the 1st Defendant (Stain, lease reference 0227-SL) on 6/07/09
- 83 Notice served by the 1st Defendant (Thomas 712) on 6/07/09
- 84 Notice served by the 1st Defendant (Townsend, lease reference 0144-SL) on 6/07/09
- 85 Notice served by the 1st Defendant (Townsend, lease reference 0145-SL) on 6/07/09
- 86 Notice served by the 1st Defendant (Townsend, lease reference 0146-SL) on 6/07/09
- 87 Notice served by the 1st Defendant (Trappitt, lease reference 0088-SL) on 6/07/09
- 88 Notice served by the 1st Defendant (Trappitt, lease reference 0099-SL) on 6/07/09
- 89 Notice served by the 1st Defendant (Weber, lease reference 0188-SL) on 6/07/09
- 90 Notice served by the 1st Defendant (Weber, lease reference 0194-SL) on 6/07/09
- 91 Notice served by the 1st Defendant (White Toro 713) on 6/07/09
- 92 Notice served by the 1st Defendant (Wychwood 947) on 6/07/09
- 93 Notice served by the 15th and 16th Defendant (Fishtrack 168) on 13/07/09
- 94 Notice served by the 25th Defendant (Fishtrack 169) on 13/07/09
- 95 Notice served by the 15th and 16th Defendant (Fishtrack 661) on 13/07/09



- 96 Notice served by the 35th Defendant (Mindijup 318) on 13/07/09
- 97 Notice served by the 4th, 7th, 8th, 9th and 10th Defendants (Zambonetti 926) on 13/07/09
- 98 Notice served by the 4th Defendant (Zambonetti 740) on 13/07/09
- 99 Notice served by the 9th and 10th Defendants (Zambonetti) on 21/7/09
- 100 Notice served by the 11th and 12th Defendants (Couper 102) on 13/07/09
- 101 Notice served by the 21st and 22nd Defendants (Hardie 210) on 14/07/09
- 102 Notice served by the 23rd and 24th Defendants (Emu Downs 651) on 14/07/09
- 103 Notice served by the 23rd and 24th Defendants (Sandy Springs 393) on 14/07/09
- 104 Notice served by the 13th Defendant (Chatley) on 15/07/09
- 105 Notice served by the 5th and 6th Defendants (Towes) on 16/07/09
- 106 Notice served by the 29th Defendant (Walitj A 904) on 16/07/09
- 107 Notice served by the 19th and 20th Defendants (Sinclair 412) on 21/07/09
- 108 Notice served by the 14th Defendant (Wise 921) on 21/07/09
- 109 Notice served by the 31st to 33rd Defendants (Dixon 123) on 23/07/09
- 110 Notice served by the 30th Defendant (Kelora 714) on 23/07/09
- 111 Notice served by the 34th Defendant (Circle Valley 86) on 27/07/09
- 112 Notice served by the 23rd and 24th Defendants (Hester 222) on 14/07/2009
- 113 Five notices served by the 36th Defendant (Cameron A & Cameron B) on or about 30 July 2009
- 114 Two notices served by the 17th Defendant (Lay 273) on 15/07/09
- 115 Two notices served by the 28th Defendant (Hair 207 and 208) on 14/07/09
- 116 Notice served by the 18th Defendant (Franklin 699) on 13 July 2009
- 117 Notice served by Julie Jay Strother (Strother 431) on or about 31 July 2009
- 118 Notice served by Leigh Domenic Reilly (Reilly 378) on or about 31 July 2009



- 119 Notice served by Edward Grey Egerton-Warburton and Elizabeth Rose Egerton-V (Warburton 928) on or about 3 August 2009
- 120 Notice served by Minjah Pastoral Company Pty Ltd (Affleck 4, 5 & 6) on or about 5 August 2009
- 121 Notice served by ITC Limited (Walker 468) on or about 6 August 2009