

**IN THE FEDERAL COURT OF AUSTRALIA**  
**DISTRICT REGISTRY**

**NOTICE OF FILING**

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**CASE DETAILS**

**Case Number:**

**Case Description:**

**District Registry:**

**Document Type:**



*Warwick Soden*

**Dated:**

**Registrar**

**Note**

This Notice forms part of the document and contains information that might otherwise appear elsewhere in the application. The Notice must be included in the document 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

**ORDERS**

**JUDGE:** The Honourable Justice Finkelstein

**DATE OF ORDER:** 27 August 2009

**WHERE MADE:** Melbourne

**THE COURT ORDERS THAT:**

**UPON** the Third and Fourth Plaintiffs, by their Counsel, undertaking that neither they nor the First or the Second Plaintiffs will, in this or any other proceeding between any of them, and each and any Defendant (**Landlord**), assert that a failure prior to 30 September 2009 by any Landlord to exercise a power to terminate any lease or sub-lease (whether under the lease or sub-lease or at common law), which is the subject of this proceeding (**the Relevant Lease/Sub-Lease**), constitutes an election to affirm the Relevant Lease/Sub-Lease.

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Filed on behalf of the Plaintiffs

**ARNOLD BLOCH LEIBLER**  
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333 Collins Street  
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(Leon Zwier)



- 1 The following persons be added as Defendants to the proceeding and the /  
Originating Process be amended accordingly:
  - (a) Minjah Pastoral Company Pty Ltd;
  - (b) Edward Grey Egerton-Warburton;
  - (c) Elizabeth Rose Egerton-Warburton;
  - (d) ITC Limited;
  - (e) Leigh Domenic Reilly;
  - (f) Julie Jay Strother; and
  - (g) Robert Geraghty.
- 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 to this Order, under section  
568(8) of the (**the Act**), be extended until 4.15 pm 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.
- 3 The time for the service of this notice of motion be abridged.
- 4 The Third and Fourth Plaintiffs pay the costs of the Defendants other than  
ITC Limited, such costs to be taxed in default of agreement, with the costs having the  
priority prescribed by s 556(1)(dd) of the Act.
- 5 The further hearing of the application against ITC Limited be adjourned to 9.30 am  
AEST on 1 September 2009.
- 6 Reserve liberty to apply to all parties.

Date that entry is stamped:

Deputy District Registrar



## **SCHEDULE 1**

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



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



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



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



- 96 Notice served by the 35<sup>th</sup> Defendant (Mindijup 318) on 13/07/09
- 97 Notice served by the 4<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Defendants (Zambonetti 926) on 13/07/09
- 98 Notice served by the 4<sup>th</sup> Defendant (Zambonetti 740) on 13/07/09
- 99 Notice served by the 9<sup>th</sup> and 10<sup>th</sup> Defendants (Zambonetti) on 21/7/09
- 100 Notice served by the 11<sup>th</sup> and 12<sup>th</sup> Defendants (Couper 102) on 13/07/09
- 101 Notice served by the 21<sup>st</sup> and 22<sup>nd</sup> Defendants (Hardie 210) on 14/07/09
- 102 Notice served by the 23<sup>rd</sup> and 24<sup>th</sup> Defendants (Emu Downs 651) on 14/07/09
- 103 Notice served by the 23<sup>rd</sup> and 24<sup>th</sup> Defendants (Sandy Springs 393) on 14/07/09
- 104 Notice served by the 13<sup>th</sup> Defendant (Chatley) on 15/07/09
- 105 Notice served by the 5<sup>th</sup> and 6<sup>th</sup> Defendants (Towes) on 16/07/09
- 106 Notice served by the 29<sup>th</sup> Defendant (Walitj A 904) on 16/07/09
- 107 Notice served by the 19<sup>th</sup> and 20<sup>th</sup> Defendants (Sinclair 412) on 21/07/09
- 108 Notice served by the 14<sup>th</sup> Defendant (Wise 921) on 21/07/09
- 109 Notice served by the 31<sup>st</sup> to 33<sup>rd</sup> Defendants (Dixon 123) on 23/07/09
- 110 Notice served by the 30<sup>th</sup> Defendant (Kelora 714) on 23/07/09
- 111 Notice served by the 34<sup>th</sup> Defendant (Circle Valley 86) on 27/07/09
- 112 Notice served by the 23<sup>rd</sup> and 24<sup>th</sup> Defendants (Hester 222) on 14/07/2009
- 113 Five notices served by the 36<sup>th</sup> Defendant (Cameron A & Cameron B) on or about 30 July 2009
- 114 Two notices served by the 17<sup>th</sup> Defendant (Lay 273) on 15/07/09
- 115 Two notices served by the 28<sup>th</sup> Defendant (Hair 207 and 208) on 14/07/09
- 116 Notice served by the 18<sup>th</sup> 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 Robert James Geraghty and Dorothea Maria Geraghty (Greenview 201) on or about 20 August 2009