

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: 1 September 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 the 40th Defendant (**Landlord**), assert that a failure prior to 30 September 2009 by the 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.

Filed on behalf of the Plaintiffs

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

DX 38455 Melbourne
Tel: 9229 9999
Fax: 9229 9900
Ref: 011499489
(Leon Zwier)



THE COURT ORDERS THAT:

- 1 The time by which the Third and Fourth Plaintiffs be entitled to disclaim the property the subject of the notice specified in Schedule 1 to this Order, under section 568(8) of the *Corporations Act 2001* (Cth) (**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 the Landlord has in respect of any existing or future breach of the Relevant Lease/Sub-Lease.
- 2 The Third and Fourth Plaintiffs pay the costs of the 40th Defendant such costs to be taxed in default of agreement, with the costs having the priority prescribed by s 556(1)(dd) of the Act.
- 3 Reserve liberty to apply to all parties.

Date that entry is stamped:

Deputy District Registrar



SCHEDULE 1

- 1 Notice served by the 40th Defendant, ITC Limited (Walker 468) on or about 6 August 2009