

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 (see attached Schedule of Parties)

Plaintiffs

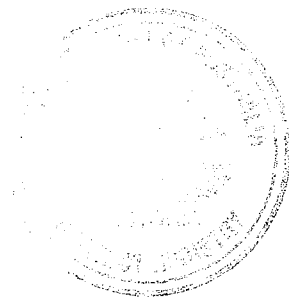
WA CHIP & PULP CO. PTY LTD
ACN 008 720 518
and Others (see attached Schedule of Parties)

Defendants

ORDER

(Order 36, rule 1)

JUDGE: Justice Finkelstein
DATE OF ORDER: 3 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

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

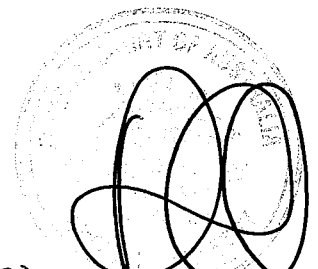
(Leon Zwier/Lucy Kirwan)

each and any Defendant (**Landlord**), assert that a failure prior to 31 August 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.

- 1 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 *Corporations Act 2001* (Cth) (**the Act**), be extended until 4.15pm on 1 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.
- 2 The notice of motion filed on behalf of the Third and Fourth Plaintiffs on 3 August 2009 be stood over to a date to be fixed.
- 3 The Third and Fourth Plaintiffs file a copy of the document titled Sale of Crop Deed – Queensland being exhibit MAK-10 to the affidavit of Mr Mark Anthony Korda sworn on 23 July 2009 with the details of prices and amounts redacted.
- 4 The document titled Sale of Crop Deed – Queensland being exhibit MAK-10 to the affidavit of Mr Mark Anthony Korda sworn on 23 July 2009 be marked confidential and shall not be available for inspection without leave of the Court.
- 5 Exhibits MAK-20 and MAK-22 to the affidavit of Mr Mark Anthony Korda sworn on 28 July 2009 not having been read be removed from the file and returned to the Plaintiffs' solicitors.
- 6 The Third and Fourth Plaintiffs pay the costs of the Defendants, such costs to be taxed in default of agreement, with the costs having the priority prescribed by s 556(1)(dd) of the Act.
- 7 Liberty to apply to all parties.

Date that entry is stamped:

– 6 AUG 2009


(R) Deputy District Registrar

SCHEDULE OF PARTIES

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

First Plaintiff

TIMBERCORP LIMITED (IN LIQUIDATION)
(ACN 055 185 067)

Second Plaintiff

MARK ANTHONY KORDA

Third Plaintiff

LEANNE KYLIE CHESSER

Fourth Plaintiff

WA CHIP & PULP CO. PTY LTD
(ACN 008 720 518)

First Defendant

WACAP TREEFARMS PTY LTD
(ACN 009 378 607)

Second Defendant

JASPER FARMS HOLDINGS PTY LTD
(ACN 108 265 023)

Third Defendant

ANGELA MARIE ZAMBONETTI

Fourth Defendant

DAVID JOHN TOWES

Fifth Defendant

HEATHER LEE TOWES

Sixth Defendant

EDVIGE MARY BICE ZAMBONETTI

Seventh Defendant

KEN ANTHONY ZAMBONETTI

Eighth Defendant

EDWIN JOHN ZAMBONETTI

Ninth Defendant

CHRISTINE MICHELE ZAMBONETTI

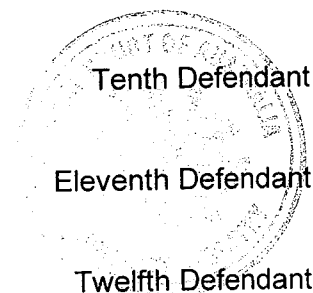
Tenth Defendant

GEOFFREY TELFER COUPER

Eleventh Defendant

JANET FEENEY COUPER

Twelfth Defendant



GRAHAM JOHN CHATLEY

Thirteenth Defendant

**INTRINSIC PTY LTD
(ACN 009 063 325)**

Fourteenth Defendant

KENT ROCHESTER

Fifteenth Defendant

MICHELLE LEE ROCHESTER (nee Tysoe)

Sixteenth Defendant

KIM ANDREW LAY

Seventeenth Defendant

MARSH JOHN FRANKLIN

Eighteenth Defendant

MELINDA MARIANNE NELL SINCLAIR

Nineteenth Defendant

BRADLEY DOUGLAS

Twentieth Defendant

RICHARD GERALD HARDIE

Twenty-First Defendant

JOANNE LEA HARDIE

Twenty-Second Defendant

RODNEY JOHN WINSTON HESTER

Twenty-Third Defendant

LORRAINE GRACE HESTER

Twenty-Fourth Defendant

WILLIAM NEIL ROCHESTER

Twenty-Fifth Defendant

RONALD ARTHUR SIMPSON

Twenty-Sixth Defendant

FAY LEONE SIMPSON

Twenty-Seventh Defendant

**FAIRWAY DEVELOPMENTS (WA) PTY LIMITED
(ACN 065 226 520)**

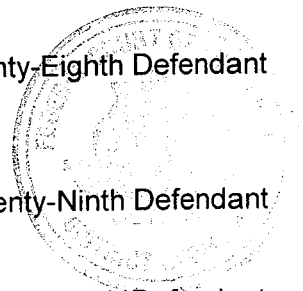
Twenty-Eighth Defendant

**WALITJ ABORIGINAL CORPORATION
(ABN 34 688 040 276)**

Twenty-Ninth Defendant

KELVIN PHILIP WALLWORK

Thirtieth Defendant



MARIA JAINA DIXON

Thirty-First Defendant

WILLIAM JOHN DIXON

Thirty-Second Defendant

NEIL JAMES DIXON

Thirty-Third Defendant

ROBERT DE CAMPO

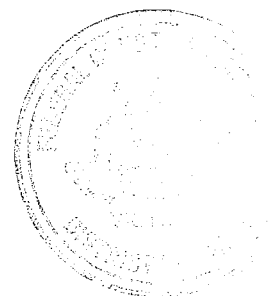
Thirty-Fourth Defendant

MARTIN JAMES SHUTTLEWORTH

Thirty-Fifth Defendant

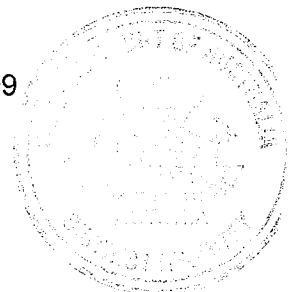
CAMERON FARMS PTY LTD

Thirty-Sixth Defendant

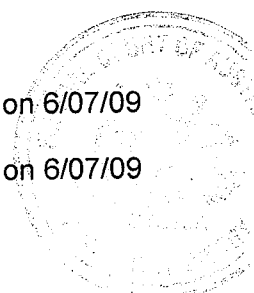


SCHEDULE 1

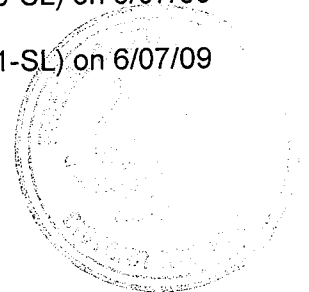
- 1 Notice served by the Third Defendant (Land) on 2 July 2009
- 2 Notice served by the Third Defendant (Water) on 2 July 2009
- 3 Notice served by the 1st Defendant (500 Acres) on 6/07/09
- 4 Notice served by the 1st Defendant (Charlottes Plain) on 6/07/09
- 5 Notice served by the 1st Defendant (De Munck) on 6/07/09
- 6 Notice served by the 1st Defendant (Old Kent River 670) on 6/07/09
- 7 Notice served by the 1st Defendant (Riggs, lease reference 0212-SL) on 6/07/09
- 8 Notice served by the 1st Defendant (Riggs, lease reference 0155-SL) on 6/07/09
- 9 Notice served by the 1st Defendant (Riggs, lease reference 0209-SL) on 6/07/09
- 10 Notice served by the 1st Defendant (Tipperary 445) on 6/07/09
- 11 Notice served by the 1st Defendant (Tom Hughes) on 6/07/09
- 12 Notice served by the 1st Defendant (Weber 677) on 6/07/09
- 13 Notice served by the 2nd Defendant (500 Acres) on 6/07/09
- 14 Notice served by the 2nd Defendant (Corbalup, lease reference 0269-SL) on 6/07/09
- 15 Notice served by the 2nd Defendant (Corbalup, lease reference 0262-SL) on 6/07/09
- 16 Notice served by the 2nd Defendant (Crosby 103) on 6/07/09
- 17 Notice served by the 2nd Defendant (Cyclone 106) on 6/07/09
- 18 Notice served by the 2nd Defendant (Duncton 140) on 6/07/09
- 19 Notice served by the 2nd Defendant (Lamberti 270) on 6/07/09
- 20 Notice served by the 2nd Defendant (Longhorn 283) on 6/07/09
- 21 Notice served by the 2nd Defendant (McAndrew 301) on 6/07/09
- 22 Notice served by the 2nd Defendant (McDaniel 304) on 6/07/09
- 23 Notice served by the 2nd Defendant (Minjiminjup, lease reference 0271-SL) on 6/07/09
- 24 Notice served by the 2nd Defendant (Minjiminjup, lease reference 0272-SL) on 6/07/09
- 25 Notice served by the 2nd Defendant (Southern Finch 418) on 6/07/09
- 26 Notice served by the 2nd Defendant (Van Bremen 462) on 6/07/09



- 27 Notice served by the 2nd Defendant (Waddington 466) on 6/07/09
- 28 Notice served by the 2nd Defendant (Wilcox) on 6/07/09
- 29 Notice served by the 2nd Defendant (Yungup 934) on 6/07/09
- 30 Notice served by the 1st Defendant (Adams 569) on 6/07/09
- 31 Notice served by the 1st Defendant (Anning 659) on 6/07/09
- 32 Notice served by the 1st Defendant (Beames 636) on 6/07/09
- 33 Notice served by the 1st Defendant (Boylan) on 6/07/09
- 34 Notice served by the 1st Defendant (Bracknell, lease reference 0167-SL) on 6/07/09
- 35 Notice served by the 1st Defendant (Bracknell, lease reference 0219-SL) on 6/07/09
- 36 Notice served by the 1st Defendant (Bush 923) on 6/07/09
- 37 Notice served by the 1st Defendant (Carmarthen 638) on 6/07/09
- 38 Notice served by the 1st Defendant (Chittleborough, lease reference 0017-SL1) on 6/07/09
- 39 Notice served by the 1st Defendant (Chittleborough, lease reference 0017-SL2) on 6/07/09
- 40 Notice served by the 1st Defendant (Chittleborough, lease reference 0017-SL3) on 6/07/09
- 41 Notice served by the 1st Defendant (Deep Creek 719) on 6/07/09
- 42 Notice served by the 1st Defendant (Dennis, lease reference 0187-SL) on 6/07/09
- 43 Notice served by the 1st Defendant (Determes, lease reference 0148-SL) on 6/07/09
- 44 Notice served by the 1st Defendant (Determes, lease reference 0149-SL1) on 6/07/09
- 45 Notice served by the 1st Defendant (Determes, lease reference 0149-SL2) on 6/07/09
- 46 Notice served by the 1st Defendant (Dhublock 674) on 6/07/09
- 47 Notice served by the 1st Defendant (Dufty 660) on 6/07/09
- 48 Notice served by the 1st Defendant (Duncan, lease reference 0021-SL1) on 6/07/09
- 49 Notice served by the 1st Defendant (Duncan, lease reference 0021-SL2) on 6/07/09
- 50 Notice served by the 1st Defendant (Erith 718) on 6/07/09
- 51 Notice served by the 1st Defendant (Erskine 627) on 6/07/09
- 52 Notice served by the 1st Defendant (Eulup, lease reference 0027-SL) on 6/07/09
- 53 Notice served by the 1st Defendant (Eulup, lease reference 0045-SL) on 6/07/09



- 54 Notice served by the 1st Defendant (Field, lease reference 0128-SL) on 6/07/09
- 55 Notice served by the 1st Defendant (Field, lease reference 0129-SL) on 6/07/09
- 56 Notice served by the 1st Defendant (Gindarra 662) on 6/07/09
- 57 Notice served by the 1st Defendant (Grylls, lease reference 0033-SL) on 6/07/09
- 58 Notice served by the 1st Defendant (Grylls, lease reference 0034-SL) on 6/07/09
- 59 Notice served by the 1st Defendant (Grylls, lease reference 0035-SL) on 6/07/09
- 60 Notice served by the 1st Defendant (Henwood 711) on 6/07/09
- 61 Notice served by the 1st Defendant (Hollingworth 663) on 6/07/09
- 62 Notice served by the 1st Defendant (Jenkins, lease reference 0228-SL) on 6/07/09
- 63 Notice served by the 1st Defendant (Jenkins, lease reference 0229-SL) on 6/07/09
- 64 Notice served by the 1st Defendant (Jones, lease reference 0042-SL) on 6/07/09
- 65 Notice served by the 1st Defendant (Jones, lease reference 0043-SL) on 6/07/09
- 66 Notice served by the 1st Defendant (Knowle Hill 665) on 6/07/09
- 67 Notice served by the 1st Defendant (Lambert 736) on 6/07/09
- 68 Notice served by the 1st Defendant (Leween 666) on 6/07/09
- 69 Notice served by the 1st Defendant (Lymon 667) on 6/07/09
- 70 Notice served by the 1st Defendant (Martin 737) on 6/07/09
- 71 Notice served by the 1st Defendant (Milner 668) on 6/07/09
- 72 Notice served by the 1st Defendant (Naturi 733) on 6/07/09
- 73 Notice served by the 1st Defendant (Nekel 637) on 6/07/09
- 74 Notice served by the 1st Defendant (Pavlovich, lease reference 0121-SL) on 6/07/09
- 75 Notice served by the 1st Defendant (Pavlovich, lease reference 0157-SL) on 6/07/09
- 76 Notice served by the 1st Defendant (Preston Park, lease reference 0136-SL) on 6/07/09
- 77 Notice served by the 1st Defendant (Preston Park, lease reference 0176-SL) on 6/07/09
- 78 Notice served by the 1st Defendant (Ross, lease reference 0250-SL) on 6/07/09
- 79 Notice served by the 1st Defendant (Ross, lease reference 0251-SL) on 6/07/09
- 80 Notice served by the 1st Defendant (Shanbrel 673) on 6/07/09



- 81 Notice served by the 1st Defendant (Slade, lease reference 0170-SL) on 6/07/09
- 82 Notice served by the 1st Defendant (Slade, lease reference 0171-SL) on 6/07/09
- 83 Notice served by the 1st Defendant (Stain, lease reference 0210-SL) on 6/07/09
- 84 Notice served by the 1st Defendant (Stain, lease reference 0227-SL) on 6/07/09
- 85 Notice served by the 1st Defendant (Thomas 712) on 6/07/09
- 86 Notice served by the 1st Defendant (Townsend, lease reference 0144-SL) on 6/07/09
- 87 Notice served by the 1st Defendant (Townsend, lease reference 0145-SL) on 6/07/09
- 88 Notice served by the 1st Defendant (Townsend, lease reference 0146-SL) on 6/07/09
- 89 Notice served by the 1st Defendant (Trappitt, lease reference 0088-SL) on 6/07/09
- 90 Notice served by the 1st Defendant (Trappitt, lease reference 0099-SL) on 6/07/09
- 91 Notice served by the 1st Defendant (Weber, lease reference 0188-SL) on 6/07/09
- 92 Notice served by the 1st Defendant (Weber, lease reference 0194-SL) on 6/07/09
- 93 Notice served by the 1st Defendant (White Toro 713) on 6/07/09
- 94 Notice served by the 1st Defendant (Wychwood 947) on 6/07/09
- 95 Notice served by the 15th and 16th Defendant (Fishtrack 168) on 13/07/09
- 96 Notice served by the 25th Defendant (Fishtrack 169) on 13/07/09
- 97 Notice served by the 15th and 16th Defendant (Fishtrack 661) on 13/07/09
- 98 Notice served by the 35th Defendant (Mindijup 318) on 13/07/09
- 99 Notice served by the 4th, 7th, 8th, 9th and 10th Defendants (Zambonetti 926) on 13/07/09
- 100 Notice served by the 4th Defendant (Zambonetti 740) on 13/07/09
- 101 Notice served by the 9th and 10th Defendants (Zambonetti) on 21/7/09
- 102 Notice served by the 11th and 12th Defendants (Couper 102) on 13/07/09
- 103 Notice served by the 21st and 22nd Defendants (Hardie 210) on 14/07/09
- 104 Notice served by the 23rd and 24th Defendants (Emu Downs 651) on 14/07/09
- 105 Notice served by the 23rd and 24th Defendants (Sandy Springs 393) on 14/07/09
- 106 Notice served by the 13th Defendant (Chatley) on 15/07/09
- 107 Notice served by the 5th and 6th Defendants (Towes) on 16/07/09
- 108 Notice served by the 29th Defendant (Walitj A 904) on 16/07/09



- 109 Notice served by the 19th and 20th Defendants (Sinclair 412) on 21/07/09
- 110 Notice served by the 14th Defendant (Wise 921) on 21/07/09
- 111 Notice served by the 31st to 33rd Defendants (Dixon 123) on 23/07/09
- 112 Notice served by the 30th Defendant (Kelora 714) on 23/07/09
- 113 Notice served by the 34th Defendant (Circle Valley 86) on 27/07/09
- 114 Notice served by the 23rd and 24th Defendants (Hester 222) on 14/07/2009
- 115 Five notices served by the 36th Defendant (Cameron A & Cameron B) on or about 30/07/09
- 116 Two notices served by the 17th Defendant (Lay 273) on 15/07/09
- 117 Two notices served by the 28th Defendant (Hair 207 and 208) on 14/07/09
- 118 Two notices served by the 26th and 27th Defendants (Goodwood Home and Goodwood West) on 15/07/09

