

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL COURT**

S ECI 2014 000425

**BETWEEN:**

**TIMBERCORP FINANCE PTY LTD (IN LIQUIDATION) (ACN 054 581 190)**

Plaintiff

and

**MORAG LOWE**

Defendant

**GENERAL FORM OF ORDER**

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JUDGE OF THE COURT: The Honourable Justice Judd

DATE MADE: 6 March 2015

ORIGINATING PROCESS: Originating Process filed 6 November 2014

HOW OBTAINED: Pursuant to order 59.07 of the *Supreme Court (General Civil Procedure) Rule 2005*.

ATTENDANCE: Not applicable.

OTHER MATTERS: Minutes of consent placed on the court file

**THE COURT ORDERS BY CONSENT THAT:**

1. The defendant file and serve a defence and any counterclaim by 4.00pm on 2 April 2015.
2. With respect to any counterclaim served on the plaintiff;
  - (a) The defendant file an application for leave to proceed with the counterclaim within 4 weeks of the date on which that counterclaim is served; and
  - (b) The defendant's application for leave to file a counterclaim will be heard at a time and date to be fixed.
3. If the defence has not been filed by 4.00pm on 2 April 2015 (**Due Date**) then, in the absence of a satisfactory explanation from the defendant by affidavit filed on or before the date that is five business days after the Due Date, then, the plaintiff may



enter judgment against the defendant in the proceeding, upon first giving five business days' notice to the defendant of its intention to do so.

4. The defendant must file any third party claim on or before 4.00pm on 2 April 2015.
5. The summons for directions is adjourned to 1 May 2015.
6. In the absence of an address for service notified to the plaintiff's solicitors in conformity with the rules, service upon the defendant of this and any other order, court process or affidavit material, may be validly effected by serving such material pursuant to an order for substituted service.
7. Costs are reserved.

DATE AUTHENTICATED: 27 March 2015

PROTHONOTARY