

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL AND EQUITY DIVISION

COMMERCIAL COURT

LIST E  
No. 7114 of 2009

IN THE MATTER of TIMBERCORP SECURITIES LIMITED (UNDER  
ADMINISTRATION) (ACN 092 311 469)

**BETWEEN:**

TIMBERCORP SECURITIES LIMITED (UNDER  
ADMINISTRATION) (ACN 092 311 469) IN ITS  
CAPACITY AS RESPONSIBLE ENTITY OF EACH OF  
THE MANAGED INVESTMENTS SCHEMES LISTED  
IN SCHEDULE 1 and others  
(according to the schedule attached)

Plaintiffs

**GENERAL FORM OF ORDER**

JUDGE:

The Honourable Justice Robson

DATE MADE:

17 June 2009

ORIGINATING PROCESS:

Filed 5 June 2009

HOW OBTAINED:

On return of the order of the Honourable Justice Robson  
made 10 June 2009

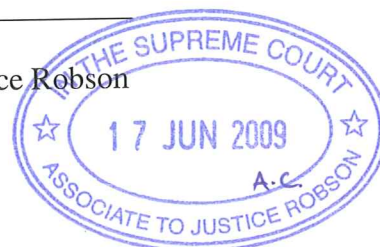
ATTENDANCE:

Mr P D Crutchfield of Counsel with Mr L Zwier,  
Solicitor for the Plaintiffs  
Mr M Galvin for the representatives of the grower  
investors on the creditors committee of Timbercorp  
Securities Limited  
Dr P Vout of Counsel for Mr Andrew Ziere  
Mr S J Hibble of Counsel for the Australian Securities  
and Investments Commission (ASIC)

OTHER MATTERS:

The Plaintiffs relied upon the affidavits of:

- Mark Anthony Korda sworn 4 June 2009 and 10 June 2009;
- Mark Albert Bland affirmed 9 June 2009 and 16 June 2009;
- Affidavit of David Sydney Butterfield sworn 10 June 2009; and
- Affidavit of Leon Zwier sworn 17 June 2009.



ASIC agreed with the directions and advice sought.

THE COURT DIRECTS AND ADVISES THAT:

1. Pursuant to section 447D of the *Corporations Act 2001* (Cth) (“**the Act**”), the Court directs and advises that the Second and Third Plaintiffs (in their capacity as administrators of the First Plaintiff) are justified in applying to the Court under section 601ND of the Act for orders that the First Plaintiff be directed to wind up each of the managed investment schemes listed in the Schedule (“**the Schemes**”) in accordance with their respective constitutions and any orders of the Court made under section 601NF(2) of the Act.

AND THE COURT FURTHER ORDERS AND DIRECTS THAT:

2. Any further affidavits in support of the application to wind-up the Schemes be filed and served by 24 June 2009.
3. Any affidavits in opposition to the application to wind-up any of the Schemes be filed and served by 1 July 2009.
4. Any reply affidavits and the Plaintiff’s outline of submissions be filed and served by 7 July 2009.
5. Any outline of submissions in opposition to the application to wind-up any of the Schemes be filed and served by 10 July 2009.
6. Any outline of submissions by ASIC to be filed and served by 13 July 2009.
7. The proceeding be set down for hearing on 15 July 2009.
8. The Plaintiffs will cause a notice to be sent to all investors in the schemes listed in the schedule (**Growers**) that informs the Growers:
  - a) The Plaintiffs are applying to wind-up each of the 14 schemes listed in the schedule;
  - b) That the Grower may seek leave to be heard;
  - c) Copies of all documents filed in these proceedings are available on the administrators’ website <http://kordamentha.com/main/creditor.aspx> and the administrators’ solicitors’ website <http://www.abl.com.au/timbercorp/timbercorp.htm> and can be obtained by a grower calling the Administrators’ hotline and requesting delivery by post or email, copies of the documents filed in these proceedings.

(Notice)

9. The Notice will be sent by:
  - a) Email if the Plaintiffs have an e-mail address for the Grower; or

- b) by pre-paid mail if the Plaintiffs do not have an e-mail address for the Grower; and
  - c) Email to all creditors on the Committees of Creditors.
10. Costs reserved.
11. Liberty reserved to any interested party to apply on two business days prior notice.



*A. My. Robson*

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THE HONOURABLE JUSTICE ROBSON