

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane

NUMBER: 11593 2013

First Applicants

**KORDAMENTHA PTY LTD ACN 100 169 391
AND CALIBRE CAPITAL LTD ACN 108 318 985
IN THEIR CAPACITY AS TRUSTEES OF THE
LM MANAGED PERFORMANCE FUND**

AND

Second Applicant

KORDAMENTHA PTY LTD ACN 100 169 391

AND

Third Applicant

CALIBRE CAPITAL LTD ACN 108 318 985

AND

First Respondents

**JOHN RICHARD PARK AND GINETTE DAWN
MULLER IN THEIR CAPACITY AS
LIQUIDATORS OF LM INVESTMENT
MANAGEMENT LIMITED (IN LIQUIDATION)
ACN 077 208 461**

AND

Second Respondent

**LM INVESTMENT MANAGEMENT LIMITED (IN
LIQUIDATION) ACN 077 208 461**

AND

Third Respondent

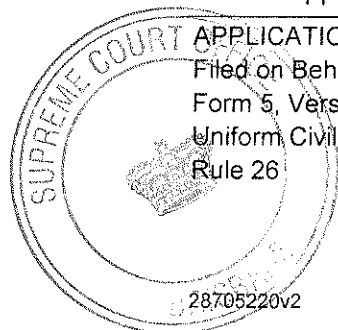
**THE MEMBERS OF THE LM MANAGED
PERFORMANCE FUND**

ORIGINATING APPLICATION

To: The Respondents

TAKE NOTICE that the Applicants are applying to the Court for the following orders:

1. Pursuant to section 96 of the *Trusts Act* 1973 (Qld), a direction that the Applicants are justified in paying to the First Respondents the sum of



APPLICATION

Filed on Behalf of the Applicants

Form 5, Version 1

Uniform Civil Procedure Rules 1999

Rule 26

PIPER ALDERMAN:

Level 23, Governor Macquarie Tower

1 Farrer Place, SYDNEY NSW 2000

Phone No: (02) 9253 9999

Fax No: (02) 9253 9900

Ref: AKB.LG.386376

\$1,679,000, in full and final settlement of the First Respondents' claim to be indemnified for any fees, expenses and other liabilities from the assets of the LM Managed Performance Fund.

2. An order that the Applicants' costs of this application be paid from the assets of the LM Managed Performance Fund on an indemnity basis.
3. Any further or other orders as the Court thinks fit.

This application will be heard by the Court at 10am
on: 17.12.13.

Filed in the Brisbane Registry on 3.12.13.

Registrar: *nee*

On the hearing of the application the Applicants intend to rely on the following affidavits:

1. Affidavit of Simon Vertullo to be sworn.
2. Affidavit of Amanda Kim Banton to be sworn.

THE APPLICANTS ESTIMATE THE HEARING SHOULD BE ALLOCATED 2 HOURS

PARTICULARS OF THE APPLICANTS:

Applicants' Names:	KordaMentha Pty Ltd (ACN 100 169 391) AND Calibre Capital Ltd (ACN 108 318 985)
Applicants' residential or business address:	Level 14, 12 Creek Street, Brisbane QLD 4000
Applicants' solicitor's name and firm name:	Amanda Kim Banton Piper Alderman
Solicitor's business address:	Level 23, Governor Macquarie Tower 1 Farrer Place, Sydney NSW 2000
Address for service:	Level 36, 123 Eagle Street Brisbane QLD 4000
DX:	10216 Sydney Stock Exchange
Telephone:	+61 2 9253 9999
Fax:	+61 2 9253 9900

Email address:

abanton@piperalderman.com.au

Signed:

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke.

Description: Solicitors for the Applicants.

Dated:

2 December 2013.

This application is intended to be served on the Respondents.