

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

LIST B

No S 21 of 2009 10240

IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)
ACN 092 311 469

TIMBERCORP SECURITIES LIMITED
(IN LIQUIDATION) ACN 092 311 469
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT
SCHEMES LISTED IN SCHEDULE 1 AND IN ITS OWN CAPACITY
AND ORS ACCORDING TO THE SCHEDULE
First Plaintiff

ORIGINATING PROCESS

Date of document: 19 November 2009

Filed on behalf of: the Plaintiffs

Prepared by:

ARNOLD BLOCH LEIBLER

Lawyers and Advisers

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(Leon Zwier - lzwier@abl.com.au)

A. DETAILS OF APPLICATION

This application is made under section 511 of the *Corporations Act 2001 (Cth)* (**the Act**).

On the facts stated in the supporting affidavit of Mark Anthony Korda sworn on 19 November 2009 (**Affidavit**) the Plaintiffs seek the following orders:

- 1 The Third (Korda) and Fourth (Chesser) Plaintiffs (in their capacity as Liquidators of the First (TSL) and the Second (Timbercorp Limited) Plaintiffs) seek directions pursuant to section 511 of the Act that they are justified in procuring the First Plaintiff as responsible entity of the managed investment schemes listed in Schedule 1 and in its own capacity, and the Second Plaintiff to make the payment described in clause 4.4(a) the Settlement Deed dated 17 November 2009.

- 2 Paragraphs 34 - 45 of the Affidavit and Exhibit MAK-13 to the Affidavit be kept confidential.
- 3 Such other order as the Court deems fit.

DATED: 19 November 2009



ARNOLD BLOCH LEIBLER
Solicitors for the Plaintiffs

This application will be heard by the Honourable Justice Judd in Court No **1**, Supreme Court, 450 Little Bourke Street, Melbourne at 2:15 pm on 24 November 2009

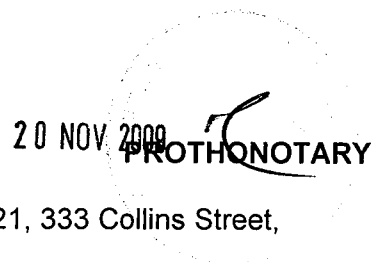
B. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

Not applicable

C. FILING

Date of filing:

20 NOV 2009
PROTHONOTARY



This originating process is filed by Arnold Bloch Leibler of Level 21, 333 Collins Street, Melbourne, VIC, 3000, solicitors for the plaintiffs.

E. SERVICE

The Plaintiffs' address for service is C/- Arnold Bloch Leibler of Level 21, 333 Collins Street, Melbourne, VIC, 3000.

It is intended to provide as a courtesy a copy of this originating process on the following persons:

Plantation Land Limited by its solicitors Maddocks;

SJ Ostwald Pty Ltd by its solicitors Clarendons; and,

To post this document on the websites of KordaMentha and Arnold Bloch Leibler.

SCHEDULE OF PARTIES

TIMBERCORP SECURITIES LIMITED
(IN LIQUIDATION) ACN 092 311 469
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT
SCHEMES LISTED IN SCHEDULE 1 AND IN ITS OWN CAPACITY
First Plaintiff

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

MARK ANTHONY KORDA
Third Plaintiff

LEANNE KYLIE CHESSER
Fourth Plaintiff

SCHEDULE 1

- 1 1999 Timbercorp Eucalypts Project (ARSN 085 827 872)
- 2 2000 Timbercorp Eucalypts Project (ARSN 091 172 093)
- 3 2001 Timbercorp Eucalypts Project (ARSN 094 392 000)
- 4 2002 Timbercorp Eucalypts Project (ARSN 098 233 571)