

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

LIST A

SCI 2009 9299

No of 2009

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 EACH OF THE  
MANAGED INVESTMENTS SCHEMES LISTED IN SCHEDULE 1  
AND IN ITS CAPACITY AS MANAGER OF THE UNREGISTERED  
MANAGED INVESTMENTS SCHEME LISTED IN SCHEDULE 2  
First Plaintiff

MARK ANTHONY KORDA  
Second Plaintiff

LEANNE KYLIE CHESSER  
Third Plaintiff

ORIGINATING PROCESS

Date of document: 29 September 2009  
Filed on behalf of: the Plaintiffs  
Prepared by:  
Arnold Bloch Leibler  
Lawyers and Advisers  
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MELBOURNE 3000

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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 29 September 2009 (**Affidavit**) and Second Affidavit of Mark Antony Korda sworn on 30 September 2009 (**Second Affidavit**):



- 1 The Second and Third Plaintiffs (in their capacity as Liquidators of the First Plaintiff) 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 2 of this order (**Forestry Schemes**) to enter into and perform the Sale and Purchase Deed exhibited to the Second Affidavit in general (including in the First Plaintiff's capacity as responsible entity and as agent and attorney of the Growers in the Forestry Schemes), including to terminate or surrender each relevant Grower sub-lease in accordance with the Sale and Purchase Deed.
- 2 Such further or other orders as the Court deems fit.

DATE: 29 September 2009

.....  
**ARNOLD BLOCH LEIBLER**  
Solicitors for the Plaintiffs

This application will be heard by the Justice Pagone in the Supreme Court, 450 Little Bourke Street, Melbourne at <sup>Court 1</sup> 10.00 am on 30 September 2009.  
11-00

**B. NOTICE TO DEFENDANT**

Not applicable.

**C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

Not applicable.

**D. FILING**

Date of filing: 2009  
29 SEP 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**

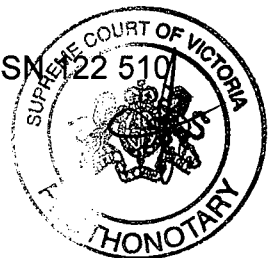
The plaintiff's address for service is C/- Arnold Bloch Leibler, Level 21, 333 Collins Street, Melbourne, VIC, 3000.

It is not intended to serve a copy of this interlocutory process on any person.

## **SCHEDULE 1**

### **REGISTERED MANAGED INVESTMENT SCHEMES**

1. 1997 Timbercorp Eucalypts Project (ARSN 112 309 234);
2. 1998 Timbercorp Eucalypts Project (ARSN 112 309 216);
3. 1999 Timbercorp Eucalypts Project (ARSN 085 827 872);
4. 2000 Timbercorp Eucalypts Project (ARSN 091 172 093);
5. 2001 Timbercorp Eucalypts Project (ARSN 094 392 000);
6. 2002 Timbercorp Eucalypts Project (ARSN 098 233 571);
7. 2003 Timbercorp Eucalypts Project (ARSN 103 183 446);
8. 2004 Timbercorp Eucalypts Project (ARSN 108 099 645);
9. 2004 Timbercorp Timberlot (Single Payment) Project (ARSN 108 336 830);
10. 2005 Timbercorp Timberlot (Single Payment) Project (ARSN 111 683 491);  
and
11. 2007/2008 Timbercorp Timberlot (Single Payment) Project (ARSN 111 683 491);  
981).



## **SCHEDULE 2**

### **UNREGISTERED MANAGED INVESTMENT SCHEMES**

1. 1999 Timbercorp Eucalypts Double Rotation Project (Private Offer)(Unregistered).