

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

LIST E

SCI 2009 10514

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

MARK ANTHONY KORDA  
Second Plaintiff

LEANNE KYLIE CHESSER  
Third Plaintiff

ORIGINATING PROCESS

Date of document: 4 December 2009  
Filed on behalf of: the Plaintiffs

Prepared by:  
**ARNOLD BLOCH LEIBLER**  
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**A. DETAILS OF APPLICATION**

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

The Second and Third Plaintiffs seek directions and orders in relation to a sale process for assets managed by the First Plaintiff.

On the facts stated in the supporting affidavit of Mark Anthony Korda (**Affidavit**) the Plaintiffs seek the following orders -

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 as manager of the unregistered managed investment scheme listed in Schedule 2 (**Schemes**), to apportion the Net Sale Proceeds (as defined in paragraph 21 of the Affidavit) between the members of Schemes, in accordance with the spreadsheet exhibited marked MAK-5 to the Affidavit.

- 2 Exhibits MAK-2 and MAK-12 to the Affidavit be kept confidential.
- 3 Such further or other orders as the Court deems fit.

DATE: 7 December 2009

*Arnold Bloch Leibler*  
.....  
**ARNOLD BLOCH LEIBLER**  
Solicitors for the plaintiff

This application will be heard by Justice Davies in Court No. , Supreme Court,  
450 Little Bourke Street, Melbourne at ~~10:30am~~ on 9 December 2009.  
10:00am

**B. NOTICE TO DEFENDANT**

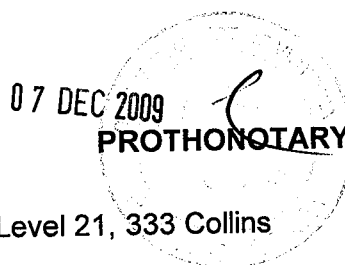
Not applicable

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

Not applicable.

**D. FILING**

Date of filing:



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

**D. 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 originating process on any person. It is intended to provide a copy of this originating process to:

Australian Securities and Investments Commission;

Timbercorp Growers Group by its solicitors Clarendon Lawyers.

## **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 094 382 000);
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 (Single Payment) Timberlot Project (ARSN 108 336 830);
10. 2005 Timbercorp (Single Payment) Timberlot Project (ARSN 111 683 491); and
11. 2007/2008 Timbercorp (Single Payment) Timberlot Project (ARSN 122 510 981).

## **SCHEDULE 2**

### **UNREGISTERED MANAGED INVESTMENT SCHEMES**

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