

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

LIST E

No of 2009

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

**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
First Plaintiff**

**MARK ANTHONY KORDA and LEANNE KYLIE CHESSER
Second and Third Plaintiffs**

ORIGINATING PROCESS

Date of document: 4 June 2009
Filed on behalf of: the Plaintiffs
Prepared by:
Arnold Bloch Leibler
Lawyers and Advisers
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(Leon Zwier)

A. DETAILS OF APPLICATION

This application is made under sections 447D, 601ND and 601NF(2) of the *Corporations Act 2001* (Cth) (**the Act**).


On the facts stated in the supporting affidavit of Mark Anthony Korda sworn on 4 June 2009:

- 1 The Second and Third Plaintiffs (in their capacity as administrators of the First Plaintiff acting in its personal capacity) seek directions pursuant to section 447D of the Act as to whether it is proper for the First Plaintiff to make an application to the Court under section 601ND of the Act seeking orders that the First Plaintiff

(in its capacity as a responsible entity) be directed to wind up each of the managed investment schemes listed in Schedule 1 (**the Schemes**) in accordance with their respective constitutions and any orders of the Court made under section 601NF(2) of the Act.

- 2 Alternatively, the Second and Third Plaintiffs (in their capacity as administrators of the First Plaintiff acting in its capacity as a responsible entity) seek orders pursuant to section 601ND of the Act that the First Plaintiff be directed to wind up each of the Schemes in accordance with their respective constitutions and any orders of the Court made under section 601NF(2) of the Act.
- 3 Such further or other orders as the Court deems fit.

DATE: 4 June 2009


ARNOLD BLOCH LEIBLER
Solicitors for the Plaintiffs

This application will be heard by the Justice Robson in Court No.2, Supreme Court, 450 Little Bourke Street, Melbourne at 10.00 am on 5 June 2009.

B. NOTICE TO DEFENDANT

Not applicable.

C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

Not applicable.

D. FILING

Date of filing: 4 June 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 originating process on any person.

SCHEDULE 1

1. 2001 Timbercorp Olive Project (ARSN 094 382 082)
2. 2002 Timbercorp Olive Project (ARSN 098 233 455)
3. 2003 Timbercorp Olive Project (ARSN 104 648 473)
4. 2004 Timbercorp Olive Project (ARSN 108 744 378)
5. 2006 Timbercorp Olive Project (ARSN 119 182 179)
6. 2007 Timbercorp Olive Project (ARSN 123 155 715)
7. 2008 Timbercorp Olive Project (ARSN 129 307 722)
8. 2001 Timbercorp Almond Project (ARSN 095 649 746)
9. 2002 Timbercorp Almond Project (ARSN 099 611 935)
10. 2003 Timbercorp Almond Project (ARSN 103 197 299)
11. 2004 Timbercorp Almond Project (ARSN 108 336 670)
12. 2005 Timbercorp Almond Project (ARSN 112 935 092)
13. 2006 Timbercorp Almond Project (ARSN 118 387 974)
14. 2007 Timbercorp Almond Project (ARSN 122 511 040)