

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

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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 2004 TIMBERCORP TABLE GRAPE
PROJECT (ARSN 108 648 086) AND THE 2005 TIMBERCORP TABLE GRAPE PROJECT
(ARSN 113 512 236) AND ORS ACCORDING TO THE SCHEDULE

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 22 December 2010

Filed on behalf of: The Plaintiffs

Prepared by:

Allens Arthur Robinson
Lawyers
530 Collins Street
Melbourne VIC 3000

Solicitor code: 21455
DX 30999 Melbourne
Tel 9614 1011 Fax 9614 4661
Ref (mkwm:cchm:306250099)
Matthew.Whittle@aar.com.au
Clint.Hinchen@aar.com.au

This is the exhibit marked '**PWK43**' now produced and shown to PAUL WILLIAM KIRK at the time
of swearing his affidavit on 22 December 2010.

Before me

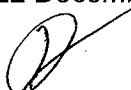

DANIELLE RUTH NAHUM
of 530 Collins Street, Melbourne
Victoria 3000
An Australian Legal Practitioner
within the meaning of the
Legal Profession Act 2004

Exhibit 'PWK43'

**Copy of email from Mr Fung to Mr
Costa dated 3 February 2010**

PwC Ref: Pressure on Messenger from Costa re: Andriske agreements

By: Michael Fung

Date: 03/02/2010

☐ Return Receipt

☐ High Priority

Response: ☐ Response Required?

Branch Timbercorp Orchard Trust

Filing Ref 700.02 Andriske claim over vines

Document History

From: Michael Fung on 3/02/2010 2:40:02 PM

Subsequent comments:

Doclinks supporting additional comments (NB: Do NOT include attachments here or they will be sent with the email):

To: charlie@grapehouse.com.au

cc:

bcc:

Subject: Pressure on David Messenger re: new Andriske licences

Align Funds Management Limited (formerly known as Orchard Investments Management Limited) in its capacity as the responsible entity of the Timbercorp Orchard Trust (Receivers and Managers Appointed) ACN: 105 684 231 ABN: 34 105 684 231 ("Responsible Entity")

Hello Charlie,

Our lawyers are having trouble getting David Messenger to respond to calls and attempts to get the new Andriske licences in place. This new agreement (and release of our obligations) are necessary before we can sign the sale agreement.

To the extent that you can, could you please try and get David Messenger and/or Andriske to move this forward.

Thanks

Michael

Michael Fung | Director | PricewaterhouseCoopers
Level 23 Freshwater Place, 2 Southbank Boulevard | Southbank VIC 3006 | Australia
T: +61 3 8603 1147 | M: +61 407 788 634 | F: +61 3 8613 2691 | michael.fung@au.pwc.com |

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