

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

LIST E

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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

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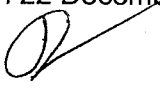
Ref (mkwm:cchm:306250099)

Matthew.Whittle@aar.com.au

Clint.Hinchen@aar.com.au

This is the exhibit marked '**PWK44**' 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 'PWK44'

**Copy of email from Mr Costa to
Mr Fung dated 28 May 2010**

PwC Ref: Charlie Costa email re: Andriske frustration

By: Michael Fung

Date: 28/05/2010

☐ Return Receipt

☐ High Priority

Response: ☐ Response Required?

Branch Timbercorp Orchard Trust

Filing Ref 321.01 Charlie Costa

Document History

From: "Charlie Costa" <charlie@grapehouse.com.au> on 28/05/2010 02:43 PM

Subsequent comments:

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

To: Michael Fung/AU/FAS/PwC@AsiaPac, <dmessenger@ncable.com.au>, "Darren Goldsmith" <darren@goldlaw.com.au>, Bernard Hall/AU/FAS/PwC@ASIAPAC, "Bryan Byrnes" <bryan@mirlawyers.com.au>, "Cathy Costa" <cathy@grapehouse.com.au>, "Paul Costa" <paul@grapehouse.com.au>, "Pam White" <pam@andriskevineyards.com.au>, "Noel Costa" <Noel.Costa@southerncrossadvisers.com.au>

cc:

bcc:

Subject: urgent

Att Michael in regards to andriske we cannot come to a agreement... I will give a personal guarantee however they wish Paul to give one also this is not acceptable.

So therefore as andriske are not really my problem.. I no longer wish to negotiate with them.. if and when you come to an agreement with them please advise.

If you wish to remove all vines with andriske scions we are still willing to purchase the property..

As for any negotiation with andriske no longer

**will we pay \$15 000. Also for every day from
today till we sign contract our offer will reduce
by \$10.000 per day..**

Charlie Costa

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