

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 11917 of 2015

APPLICANT **KORDAMENTHA PTY LTD (ACN 100
169 391) AS TRUSTEE FOR THE LM
MANAGED PERFORMANCE FUND**
AND
RESPONDENT **THE MEMBERS OF THE LM
MANAGED PERFORMANCE FUND**
AND

APPLICATION

TAKE NOTICE that the Applicant is applying to the Court for the following orders:

- 1 An order pursuant to s.101 of the *Trusts Act 1973* (Qld) that the applicant be authorised to pay out of the assets of the LM Managed Performance Fund (**Trust**) the amount of:
 - a. \$438,738.85 inclusive of GST as the applicant's remuneration for its services as trustee for the period from 29 November 2021 to 4 June 2023; and
 - b. \$44,000 inclusive of GST as the applicant's future remuneration for its services as trustee for the period from 5 June 2023 to completion.
- 2 That the applicant's costs of and incidental to the application be paid out of the assets of the Trust, on the indemnity basis.
- 3 Such further or other orders or directions as the Court sees fit.

This application will be heard by the Court at Brisbane:
at: 10:00 am

31 July 2023

APPLICATION
Filed on Behalf of the Applicant
Form 9, Version 1
Uniform Civil Procedure Rules 1999
Rule 31

Banton Group
Level 12, 60 Martin Place
Sydney NSW 2000
Phone No: (02) 8076 8090



Filed in the Brisbane Registry on 12 July 2023.

Registrar:

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of Jarrod Villani sworn on 2 December 2015 and its exhibits marked "Exhibit JV-1" and "Confidential Exhibit JV-2".
2. Affidavit of Jarrod Villani sworn on 19 September 2016 and its exhibits marked "Exhibit JV-11" and "Confidential Exhibit JV-12".
3. Affidavit of Jarrod Villani sworn on 3 July 2018 and its exhibits marked "Exhibit JV-13" and "Confidential Exhibit JV-14".
4. Affidavit of Jarrod Villani sworn on 27 September 2019 and its exhibits marked "Exhibit JV-15" and "Confidential Exhibit JV-16".
5. Affidavit of Jarrod Villani sworn on 4 December 2020 and its exhibits marked "Exhibit JV-17" and "Confidential Exhibit JV-18".
6. Affidavit of Stacey Clisby affirmed on 17 December 2021 and its exhibits marked "Exhibit SC-19".
7. Affidavit of Stacey Clisby affirmed on 12 July 2023 and its exhibit marked "Exhibit SC-24".

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 1 HOUR

Signed:

Description:

SOLICITOR FOR THE APPLICANT

Dated:

12 July 2023

This application is to be served on the Members of the LM Managed Performance Fund.