

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

LIST D
S CI 2011 6777

BETWEEN

**FENCEPORT PROPRIETARY LIMITED (ACN 139 604 121)
& ORS (according to the attached Schedule)**

Plaintiffs

and

**CON MOSHOPOLOUS
& ORS (according to the attached Schedule)**

Defendants

SUMMONS

Date of document: 27 August 2012
Filed on behalf of: the Plaintiffs

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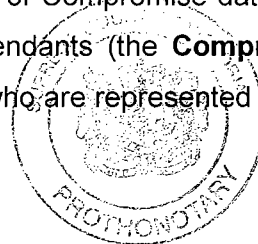
TO: the first to fifth Defendants

You are summoned to attend before the Court on the hearing of an application by the Plaintiffs for the following orders:

- 1 Pursuant to rule 16.01(4) of the *Supreme Court (General Civil Procedure) Rules 2005*, the compromise set out in clause 2 of the Deed of Compromise dated 25 July 2012 between the Plaintiffs and the first to fifth Defendants (the **Compromise**) is approved and shall be binding on the absent persons who are represented by the first to fifth Defendants.

Further, the Plaintiffs seek orders by consent that:

1. The proceeding is dismissed.



2. There be no order as to costs.

This application will be returnable before the Honourable Justice Judd in Court No. 3, Supreme Court, 210 William Street, Melbourne, on 31 August 2012 at 10:00 am for a directions hearing.

DATE: 27 August 2012

This summons was filed by Arnold Bloch Leibler of Level 21, 333 Collins Street, Melbourne, solicitors for the Plaintiffs.

SCHEDULE OF PARTIES

FENCEPORT PROPRIETARY LIMITED (ACN 139 604 121)

First Plaintiff

and

OLIVECORP LAND PTY LTD (IN LIQUIDATION) (ACN 090 141 512)

Second Plaintiff

and

MARK ANTHONY KORDA

(in his capacity as liquidator of Olivecorp Land Pty Ltd (in liquidation))

Third Plaintiff

and

MARK FRANCIS XAVIER MENTHA

(in his capacity as liquidator of Olivecorp Land Pty Ltd (in liquidation))

Fourth Plaintiff

and

CON MOSHOPOLOUS

**(in his capacity as a Grower in the 2000 Timbercorp Olive Project (Private Offer)
(Unregistered))**

First Defendant

and

PAULINE EMMA HAMMER

(in her capacity as a Grower in the 2001 Timbercorp Olive Project (ARSN 094 383 082))

Second Defendant

and

DAVID SYDNEY BUTTERFIELD

(in his capacity as a Grower in the 2002 Timbercorp Olive Project (ARSN 098 233 455))

Third Defendant

and

GRAHAM GOLDENBERG

(in his capacity as a Grower in the 2003 Timbercorp Olive Project (ARSN 104 648 473))

Fourth Defendant

and

SHUN KING LI

(in his capacity as a Grower in the 2004 Timbercorp Olive Project (ARSN 108 744 378))

Fifth Defendant

