

IN THE FEDERAL COURT OF AUSTRALIA  
VICTORIA DISTRICT REGISTRY

**VID 497 / 2009**  
No. \_\_\_\_\_ of 2009

**IN THE MATTER OF TIMBERCORP SECURITIES LIMITED  
(IN LIQUIDATION)**

**ACN 092 311 469**

**AND**

**IN THE MATTER OF TIMBERCORP LIMITED  
(IN LIQUIDATION)**

**ACN 055 185 067**

**TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)  
ACN 092 311 469 and OTHERS  
(see attached Schedule of Parties)**

Plaintiffs

**PLANTATION LAND LIMITED  
ACN 090 443 333**

Defendant

**ORIGINATING PROCESS**

**A. DETAILS OF APPLICATION**

This application is made under section 511 of the *Corporations Act 2001*.

The plaintiffs seek a declaration regarding a question that has arisen in the winding up of the First and Second Plaintiffs.

On the facts stated in the supporting affidavit, the Plaintiffs seek:

- 1 A declaration that there is no obligation on the liquidators of the First and Second Plaintiffs pursuant to s 556(1)(a) or (dd) of the *Corporations Act 2001* (Cth) to pay the Defendant for the use or occupancy of the leased land as defined in the annexed affidavit of Mark Anthony Korda (**Affidavit**) for the period commencing 30 June 2009 in the circumstances described in the Affidavit.

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Filed on behalf of the Plaintiffs

**ARNOLD BLOCH LEIBLER**  
Lawyers and Advisers  
Level 21  
333 Collins Street  
Melbourne 3000

DX 38455 Melbourne  
Tel: 9229 9999  
Fax: 9229 9900  
Ref: 01-1499489  
(Leon Zwier/Bridgette Toy-Cronin)



2 Such further or other orders as the Court deems fit.

DATE:

*Arnold Bloch Leibler*  
.....  
**ARNOLD BLOCH LEIBLER**  
Solicitors for the Plaintiffs

This application will be heard by the Federal Court of Australia, 305 William Street, Melbourne at ~~12pm~~ on Monday 6 July 2009.

*P. Jones*

**B. NOTICE TO DEFENDANT**

TO: Plantation Land Limited by its solicitors Maddocks Lawyers, Level 6, 140 William Street, Melbourne (Philip Jones and David Newman)

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiffs.

*Note:* Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

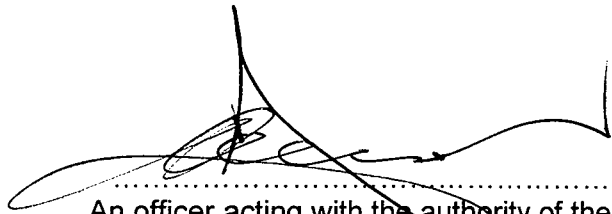
**C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

Not applicable.



**D. FILING**

Date of filing: - 3 JUL 2009



.....  
An officer acting with the authority of the  
**DISTRICT REGISTRAR**

This originating process is filed by Arnold Bloch Leibler of Level 21, 333 Collins Street, Melbourne, VIC, 3000, the solicitors for the plaintiffs.

**E. SERVICE**

The plaintiffs' address for service is C/- Arnold Bloch Leibler, Level 21, 333 Collins Street, Melbourne, VIC, 3000.

It is intended to serve a copy of this originating process on each defendant and on any person listed below:

Plantation Land Limited by its solicitors Maddocks Lawyers, Level 6, 140 William Street Melbourne



## **SCHEDULE OF PARTIES**

**TIMBERCORP SECURITIES LIMITED  
(IN LIQUIDATION) ACN 092 311 469**

First Plaintiff

**TIMBERCORP LIMITED (IN LIQUIDATION)  
ACN 055 185 067**

Second Plaintiff

**MARK ANTHONY KORDA**

Third Plaintiff

**LEANNE CHESSER**

Fourth Plaintiff

**PLANTATION LAND LIMITED  
ACN 090 443 333**

Defendant

