

IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY
GENERAL DIVISION

VID 541 / 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

Plaintiffs

WA CHIP & PULP CO. PTY LTD
ACN 008 720 518 and OTHERS

Defendants

ORIGINATING PROCESS

A. DETAILS OF APPLICATION

This application is made under section 568(8)(b) of the *Corporations Act 2001* (Cth) (Act).

Each of the Defendants has made an application in writing to the Third and Fourth Plaintiffs under section 568(8)(a) of the Act requiring them to decide whether or not they will disclaim the property the subject of each such application (**Disclaimer Applications**).

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

- 1 The time by which the Third and Fourth Plaintiffs be entitled to disclaim the property the subject of each of the Disclaimer Applications under section 568 of the Act be extended until 30 September 2009 or such other time as the Court deems appropriate.
- 2 Such further or other orders as the Court deems fit.

Filed on behalf of the Plaintiffs

ARNOLD BLOCH LEIBLER
Lawyers and Advisers
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Melbourne 3000

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Ref: 01-1499489
(Leon Zwier/Lucy Kirwan)



Date: 23 July 2009

Arnold Bloch Leibler
ARNOLD BLOCH LEIBLER
Solicitors for the Plaintiffs

This application will be heard by the Federal Court of Australia at 305 William Street, Melbourne at 12.00pm on 27 July 2009.

B. NOTICE TO DEFENDANTS

TO: each of the Defendants listed in the Schedule:

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: 23 July 2009

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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, solicitors for the plaintiff.

E. SERVICE

The plaintiff's 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 to post a copy on the websites of KordaMentha and Arnold Bloch Leibler.

The time by which this application is to be served has been abridged by order made by Justice Finkelstein on 22 July 2009 to 4.00pm on 23 July 2009.



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 KYLIE CHESSER

Fourth Plaintiff

WA CHIP & PULP CO. PTY LTD
(ACN 008 720 518)

First Defendant

WACAP TREEFARMS PTY LTD
(ACN 009 378 607)

Second Defendant

JASPER FARMS HOLDINGS PTY LTD
(ACN 108 265 023)

Third Defendant

ANGELA MARIE ZAMBONETTI

Fourth Defendant

DAVID JOHN TOWES

Fifth Defendant

HEATHER LEE TOWES

Sixth Defendant

EDVIGE MARY BICE ZAMBONETTI

Seventh Defendant

KEN ANTHONY ZAMBONETTI

Eighth Defendant

EDWIN JOHN ZAMBONETTI

Ninth Defendant

CHRISTINE MICHELE ZAMBONETTI

Tenth Defendant

GEOFFREY TELFER COUPER

Eleventh Defendant

JANET FEENEY COUPER

Twelfth Defendant



GRAHAM JOHN CHATLEY	Thirteenth Defendant
INTRINSIC PTY LTD (ACN 009 063 325)	
KENT ROCHESTER	Fourteenth Defendant
MICHELLE LEE ROCHESTER (nee Tysoe)	Fifteenth Defendant
KIM ANDREW LAY	Sixteenth Defendant
MARSH JOHN FRANKLIN	Seventeenth Defendant
MELINDA MARIANNE NELL SINCLAIR	Eighteenth Defendant
BRADLEY DOUGLAS	Nineteenth Defendant
RICHARD GERALD HARDIE	Twentieth Defendant
JOANNE LEA HARDIE	Twenty-First Defendant
RODNEY JOHN WINSTON HESTER	Twenty-Second Defendant
LORRAINE GRACE HESTER	Twenty-Third Defendant
WILLIAM NEIL ROCHESTER	Twenty-Fourth Defendant
RONALD ARTHUR SIMPSON	Twenty-Fifth Defendant
FAY LEONE SIMPSON	Twenty-Sixth Defendant
FAIRWAY DEVELOPMENTS (WA) PTY LIMITED (ACN 065 226 520)	Twenty-Seventh Defendant
WALITJ ABORIGINAL CORPORATION (ABN 34 688 040 276)	Twenty-Eighth Defendant
	Twenty-Ninth Defendant

