

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

SCI 2013 01478

THE TRUST COMPANY (NOMINEES) LIMITED (ACN 004 134 441)

Plaintiff

and

MICHAEL FUNG IN HIS CAPACITY AS RECEIVER AND MANAGER OF ALIGN  
FUNDS MANAGEMENT LIMITED (RECEIVER & MANAGER APPOINTED)  
(ACN 105 684 231) IN ITS CAPACITY AS THE RESPONSIBLE ENTITY OF THE  
TIMBERCORP ORCHARD TRUST & ORS

Defendant

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 19 May 2014  
Filed on behalf of: The Second and Third Defendants  
Macpherson + Kelley  
Lawyers  
Level 22, 114 William Street  
MELBOURNE VIC 3000

Solicitor's Code: 041547  
DX 174 Melbourne  
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Ref: MJF:229731  
Email: michael.fernon@mk.com.au

This is the exhibit marked **YCH-23** now produced and shown to **YU-CHIAO HSUEH** at the time of  
affirming his affidavit on 19<sup>th</sup> May 2014.

Before me:.....



BEFORE ME.....  
Madeleine Joanne Karipidis  
An Australian Legal Practitioner  
(within the meaning of the Legal Profession Act 2004)  
Level 22, 114 William St, Melbourne Vic 3000

**YCH-23**

**Further emails between Kerree Bezencon and Yu-chiao Hsueh  
of M+K Lawyers dated 16 May 2014**

## Hsueh, Yu-chiao

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**From:** Kerree Bezencon <kerree@siger.com.au>  
**Sent:** Friday, 16 May 2014 5:59 PM  
**To:** Hsueh, Yu-chiao  
**Subject:** RE: Timbercorp Kangara proceeding

thank you, for obvious reasons we do not have the funds to appear.

Kerree Bezencon

B.Ec (Accounting & Finance),  
ASIA (Grad Dip Applied Finance & Investment),  
CPA(Certified Practising Accountant) PFP (Specialist in Financial Planning),  
CFP (Certified Financial Planner),  
SSA (Specialist SMSF Advisor)

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**From:** Hsueh, Yu-chiao [<mailto:Yu-chiao.Hsueh@mk.com.au>]  
**Sent:** Friday, 16 May 2014 5:28 PM  
**To:** [kerree@siger.com.au](mailto:kerree@siger.com.au)  
**Cc:** Fernon, Michael; [nick@nickstretchlegal.com.au](mailto:nick@nickstretchlegal.com.au)  
**Subject:** Timbercorp Kangara proceeding

Dear Kerree,

By way of courtesy, please note the following details for the hearing on Monday as we received from His Honour's Associate.

The matter will be heard before Justice **Dixon** in the Supreme Court of Victoria commencing at **10.30am** in **Old High Court 3**.

Kind regards,

Yu-chiao

**Yu-chiao Hsueh**  
Senior Associate

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