

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: BS3508/2015

IN THE MATTER OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION)
(RECEIVERS APPOINTED)
ACN 077 208 461

First Applicant: JOHN RICHARD PARK AND GINETTE DAWN MULLER AS
LIQUIDATORS OF LM INVESTMENT MANAGEMENT LIMITED
(IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED)
ACN 077 208 461 THE RESPONSIBLE ENTITY OF THE LM
FIRST MORTGAGE INCOME FUND ARSN 089 343 288

AND

Second Applicant: LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION)
(RECEIVERS AND MANAGER APPOINTED) ACN 077 208 461
THE RESPONSIBLE ENTITY OF THE LM FIRST MORTGAGE
INCOME FUND ARSN 089 343 288

AND

Respondent: DAVID WHYTE AS THE PERSON APPOINTED TO SUPERVISE
THE WINDING UP OF THE LM FIRST MORTGAGE INCOME
FUND ARSN 089 343 288 PURSUANT TO SECTION 601NF OF
THE CORPORATIONS ACT 2001

AFFIDAVIT OF DERMOT O'BRIEN

I, **DERMOT O'BRIEN** of C/- BDO, Level 10, 12 Creek Street, Brisbane in the State of
Queensland, Accountant, state on oath:

1. I am employed by BDO as an Accountant.

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Signed:



Witnessed by:

16/7/15

Reg. No.: 81772
JUSTICE OF THE PEACE (QUALIFIED)
DEPARTMENT OF JUSTICE & ATTORNEY-GENERAL

AFFIDAVIT:
Form 46, R.431

TUCKER & COWEN
Solicitors
Level 15
15 Adelaide Street
Brisbane, Qld, 4000.
Tele: (07) 300 300 00
Fax: (07) 300 300 33

Filed on behalf of the Respondent,
Mr David Whyte

Email Service of the members of the FMIF

2. On 12 May 2015, Murray Daniel, a Supervisor employed by BDO, provided me with:-
 - (a) a list, which, he informed me and I believe, was a list of the members of the LM First Mortgage Income Fund (**FMIF**) whose preferred method for contact (as stored in the register for members maintained by BDO) was by email (**Email List**); and
 - (b) a copy of the "Notice to Members of Application by J Park & G Muller" (**Notice**).
3. Mr Daniel instructed me to organise the Notice to be emailed to the members of the FMIF contained on the Email List
4. On 12 May 2015, I prepared, and attended to, a bulk send out of the emails attaching a copy of the Notice to the addresses contained on the Email List. An email was sent to each member on the Email List in the form of the example email exhibited hereto and marked "DO-1".
5. On 12 May 2015, I instructed Mr Daniel that the emails had been sent.
6. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Affirmed by **DERMOT O'BRIEN** on the 16 day of July 2015 at Brisbane in the presence of:

Deponent



~~Solicitor~~ Justice of the Peace



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CERTIFICATE OF EXHIBIT

Exhibit "DO-1" to the Affidavit of **DERMOT O'BRIEN** sworn this 16 day of July 2015

Deponent



~~Solicitor~~/A Justice of the Peace



CERTIFICATE OF EXHIBIT:
Form 47, R.435

Filed on behalf of the Respondent,
Mr David Whyte

TUCKER & COWEN
Solicitors
Level 15
15 Adelaide Street
Brisbane, Qld, 4000.
Tele: (07) 300 300 00
Fax: (07) 300 300 33

"DO-1"

enquiries@lmfmif.com.au

From: enquiries@lmfmif.com.au
Sent: 12 May 2015 1:42 PM
To: enquiries@lmfmif.com.au
Subject: LM First Mortgage Income Fund (Receivers and Managers Appointed) (Receiver Appointed)
Attachments: Annexure A to Order 8-5-15.pdf

Dear Sir/Madam

Please find *attached* Notice to the members of the LM First Mortgage Income Fund (Receivers and Managers Appointed) (Receiver Appointed).

Regards