

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 NICOLE JACKSON

I, **NICOLE JACKSON** of C/- BDO, Level 10, 12 Creek Street, Brisbane in the State of
Queensland, Practice Assistant, state on oath:

1. I am employed by BDO as a practice assistant.

Page 1

Signed:



Witnessed by:



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

Postal Service of the members of the FMIF

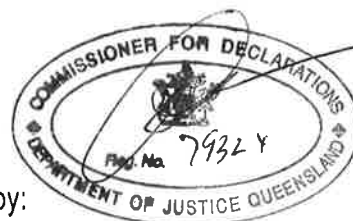
2. On 12 May 2015, Murray Daniel, a Supervisor at BDO, provided me with:-
 - (a) a copy of the "Notice to Members of Application by J Park & G Muller" (**Notice**); and
 - (b) a list, that he informed me, and I believe, contained the postal addresses of the members of the LM First Mortgage Income Fund (**FMIF**), whose preferred method for contact was via post (**Postal List**),

and instructed me that each addressee on the Postal List was to receive a copy of the Notice by post. Mr Daniel instructed me to organise the Notice to be printed and prepared for mailing to the members of the FMIF by Worldwide Printing Solutions, an external provider of these services.
3. On 12 May 2015, I emailed to Wayne McKay, the Director of Worldwide Printing Solutions, a copy of the Postal List provided to me by Mr Daniel, and a copy of the Notice. I instructed him to place a copy of the Notice in a pre-paid envelope, and address each envelope to a name and address contained on the Postal List.
4. On 12 May I provided Mr Daniel with a revised Postal List that highlighted a number of addresses that could not be sent a Notice as the addresses were either incorrect or incomplete.
5. On 12 May 2015, I contacted Mr McKay and informed him that only 3,895 of the Notices were to be posted, as opposed to the 3,991 as originally instructed. Mr McKay informed me that the Notices had already been printed and that the invoice for the Notices would be for printing 3,991 copies of the Notice.
6. On 12 May 2015, Worldwide Printing contacted me and informed me that the mail had been prepared and posted at an Australia Post Office.
7. On 12 May 2015 I informed Mr Daniel that the Notices had been printed and mailed by Worldwide Printing Solutions.

Signed:



Witnessed by:



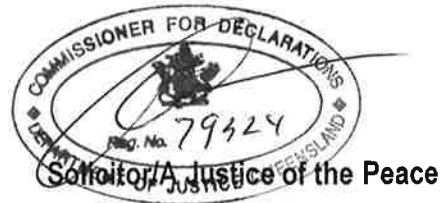
8. On 13 May 2015, I emailed Mr Daniel the invoice from Mr McKay relating to the printing and preparation of mail services provided by Worldwide Printing Solutions.
9. On 13 May 2015, Worldwide Printing emailed me the Australia Post lodgement notice exhibited hereto and marked "NJ-1".
10. On 22 May 2015, I provided Mr Daniel with a copy of the Australia Post lodgement notice that was emailed to me from Worldwide Printing Solutions on 13 May 2015.

Discrepancy between number printed and number posted

11. On 22 May 2015, Mr Daniel instructed me to undertake reconciliation due to a discrepancy between the numbers of Notices that were posted versus what was printed. I advised Mr Daniel that the total number of mailing addresses from the Postal List that were not sent the Notice, was 96, in accordance with those addresses from the Postal List that were either incorrect or incomplete.
12. 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.

Sworn by **NICOLE JACKSON** on the ^{17th} day of July 2015 at Brisbane in the presence of:


Deponent



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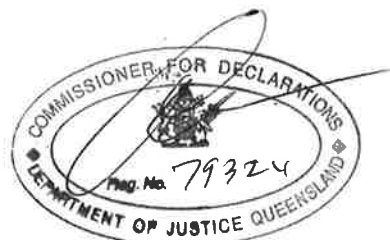
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THE CORPORATIONS ACT 2001

CERTIFICATE OF EXHIBIT

Exhibit "NJ-1" to the Affidavit of NICOLE JACKSON sworn this 17th 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



New Mailing Statement - Order Complete

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[Australia Post Terms and Conditions](#)

Your order has been lodged successfully.
 Your Mailing Statement Reference Number is: **12529572**

Generating Customer

Customer Name:
 Contact Name:
 Telephone Number:
 Address:



Job Reference

Account Number: 6128280
 Originating Customer Name: BDO Group Holdings (QLD) P/L
 Unique ID:
 Job Number: LM FirstMortgage Income Fund
 Job Name:
 Invoice Reference Details: LM FirstMortgage Income Fund

Lodgement Details

Lodgement Point: Northgate Bulk Dock BC
 Lodgement Time: May 12, 2015 3:49:33 PM
 Cash Payment: NO

Line Items

Ref	Article/Description	Contract	Quantity
001	PreSort Letters Small Regular, B10 Transactional Same State Barcoded Res		542
002	PreSort Letters Small Regular, B10 Transactional Same State Unbarcoded Res		80
003	PreSort Letters Small Regular, B10 Transactional Other State Barcoded Res		2511
004	PreSort Letters Small Regular, B10 Transactional Other State Unbarcoded Res		244
Article Totals			3377

Ref	Article/Description	Contract	Quantity
005	International Letters, 01 New Zealand 0 - 50 grams		427
006	International Letters, 01 Asia/Pacific 0 - 50 grams		80
007	International Letters, 01 Rest of World 0 - 50 grams		11