

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 3508 of 2015

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

First Applicants: JOHN RICHARD PARK AND GINETTE DAWN MULLER AS LIQUIDATORS OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION)(RECEIVERS 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 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

ORDER

Before: Justice Jackson
Date: 8 May, 2015
Initiating document: Application filed 8 April, 2015

THE ORDER OF THE COURT IS THAT:-

1. The Originating Application filed 8 April, 2015 (“the Application”) be placed on the Commercial List.
2. Exhibit JRP-2 to the affidavit of John Richard Park filed on 22 April 2015 be placed in an envelope marked “Not to be opened without the Order of a Judge”.

ORDER

Filed on behalf of the Applicants

Form 59 Rule 661

Russells
Level 18
300 Queen Street
BRISBANE 4000
Phone: 07 3004 8888
Fax: 07 3004 8899

Order 8-5-15

3. By 22 May 2015, the Applicants are to advise the Respondent in writing of any functions or duties which are set out in Schedule 2 to the Application in respect of which it is unnecessary for the Court to make any direction by reason of there being no need for any exercise of judicial power.

4. Notice is to be given to the members of the LM First Mortgage Income Fund ("the FMIF") of:

- (a) the Application;
- (b) the affidavit of Stephen Charles Russell, filed on 8 April, 2015;
- (c) the affidavit of John Richard Park, filed on 22 April, 2015 and exhibit JRP-1 thereto;
- (d) the affidavit of Sean Charles Russell, filed by leave on 7 May, 2015; and
- (e) this order,

by the Respondent:-

- (i) causing, on or before 15 May, 2015, each of the documents mentioned above and a copy of the notice in the form of Annexure A to this order ("the Notice") to be posted in a prominent place on the website www.lmfimf.com; and
- (ii) sending, on or before 15 May, 2015, a copy of the Notice to all members of the FMIF by each member's preferred method of receipt or distribution of notices as recorded in the FMIF register of members.

5. Notice will be deemed to have been given to the members of the FMIF of the documents mentioned in paragraph 4, ten days after the posting of those documents to the website in accordance with paragraph 4(i).

6. Notice is to be given to members of the FMIF of further documents filed in these proceedings by the Respondent causing such documents to be posted to the website www.lmfimf.com.

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7. Any member of the FMIF who wishes to appear at the hearing of the Application shall, by 12 June 2015, file and serve, at the Applicants' address for service, a Notice of Appearance in Form 4.
 8. By 12 June 2015, the Respondent is to file and serve on all other parties any affidavit material upon which he intends to rely at the hearing of the Application.
 9. By 19 June 2015, any member of the FMIF who filed a Notice of Appearance in accordance with paragraph 7 of this order is to file and serve any affidavit material upon which he, she or it intends to rely at the hearing of the Application.
 10. By 26 June 2015, the Applicants are to file and serve any affidavit in reply to any affidavit filed pursuant to paragraphs 8 or 9 of this order.
 11. By 7 July 2015, the Applicants are to file and serve a written outline of their submissions.
 12. By 14 July 2015, the Respondent is to file and serve on all other parties a written outline of submissions.
 13. By 14 July 2015, any member of the FMIF who files a Notice of Appearance in accordance with paragraph 7 of this order is to file and serve on all other parties a written outline of submissions.
 14. The Application is set down for hearing on 20 July, 2015 and 21 July, 2015.
 15. Costs reserved.
 16. Liberty to apply.

Signed:

Registrar