

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: 3383  
of 2013

Applicants: RAYMOND EDWARD BRUCE AND VICKI PATRICIA BRUCE

AND

First Respondent: LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 077 208 461 IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE LM FIRST MORTGAGE INCOME FUND

AND

Second Respondent: THE MEMBERS OF THE LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288

AND

Third Respondent: ROGER SHOTTON

AND

Intervener: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

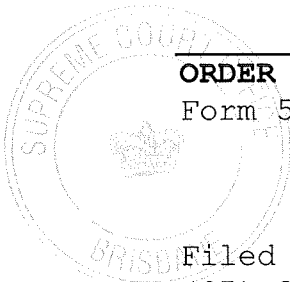
ORDER

Before: A Lyons J

Date: 5 May 2014

Initiating document: Application filed 2 May 2014

THE ORDER OF THE COURT IS THAT:



ORDER  
Form 59 R.661

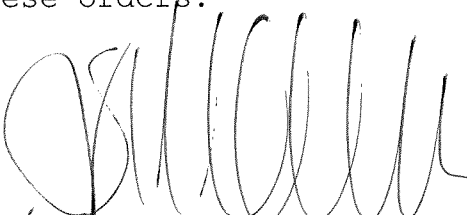
TUCKER & COWEN  
Solicitors  
Level 15  
15 Adelaide Street  
Brisbane, Qld, 4000.

Filed on behalf of the Applicant, Mr David Whyte Tele:  
(07) 300 300 00

Fax: (07) 300 300 33

1. Service on the members of the FMIF of the application filed on 2 May 2014 for approval of Mr Whyte's remuneration ("**the Application**") and the supporting affidavit of Mr Whyte sworn on 2 May 2014 ("**the Affidavit**") be effected by:
  - (a) posting in a prominent place on the website "lmfmif.com" ("**the Website**"):
    - (i) a notice substantially in the form of Annexure A to this application ("**the Notice**");
    - (ii) the Application and the Affidavit; and
  - (b) sending a copy of the Notice to all members of the FMIF by each member's preferred method for distribution of notices recorded on the FMIF's register of members.
2. Service of the Application and the Affidavit be deemed effected on each of the members of the FMIF ten (10) days after those documents are posted in a prominent place on the Website.
3. Service on the members of the FMIF of any further affidavits filed in the Court on Mr Whyte's behalf in support of the Application be effected by the method in subparagraph 1(a) above.
4. Service of any affidavits referred to in paragraph 3 above be deemed effected on each of the members of the FMIF ten (10) days after those documents are posted in a prominent place on the Website.
5. Costs reserved.
6. All further applications for approval of the remuneration of Mr Whyte be served in accordance with these orders.

Signed:

  
A/ Deputy Registrar

**ANNEXURE A**

**TO THE MEMBERS OF THE LM FIRST MORTGAGE INCOME FUND ARSN  
089 343 288 (Receivers and Managers Appointed) (Receiver  
Appointed) ("FMIF")**

TAKE NOTICE that David Whyte, the person appointed pursuant to section 601NF(1) of the *Corporations Act* 2001 (Cth) to take responsibility for ensuring that the FMIF is wound up in accordance with its constitution, has applied to the Supreme Court of Queensland for an order that the amount that Mr Whyte is entitled to claim as remuneration in respect of time spent by him and by any servants or agents of BDO who have performed work in the winding up of the FMIF for the period 8 August 2013 to 31 March 2014 be fixed in the amount of \$702,480.35 (inclusive of GST).

This application is set down to be heard by the Supreme Court at Brisbane on 26 May 2014 at 10 am.

Copies of the court documents in respect of this application will be available on the website [www.lmfimf.com](http://www.lmfimf.com).

Any member who reasonably requires a hard copy of the application and supporting material should call Investor Relations on +61 7 5584 4500 or BDO on +61 7 3237 5999.

