

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 & INVESTMENT'S COMMISSION

APPLICATION

TAKE NOTICE that Mr 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 is applying to the Court for the following orders:-

1. That the Application filed on 2 May 2014 for approval of Mr Whyte's remuneration ("the Application") be re-listed for hearing on the applications listed on a date convenient to the Court, with an estimate of 2 hours;
2. Alternatively, directions for the conduct of the proceedings;

APPLICATION:
Form 9 r.32

TUCKER & COWEN
Solicitors
Level 15
15 Adelaide Street
Brisbane, Qld, 4000.
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Filed on behalf of the Applicant, Mr David Whyte

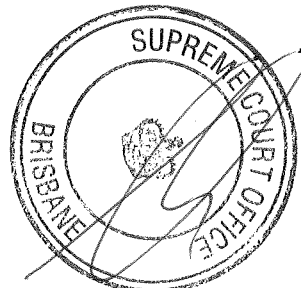
3. Such further orders as this Honourable Court deems fit; and
4. That the First Respondent pay the costs of and incidental to this application.

This application will be heard by the Court at Brisbane

on: *31 July 2014* at 10 am.

Filed in the Brisbane Registry on *24* July 2014:

Registrar:



If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application the applicant intends to rely on the following affidavit:

1. Affidavit of Alexander Philip Nase sworn 23 July 2014.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 20 Minutes

Signed:

Tucker & Cowen

Description: Solicitors for the Applicant, Mr David Whyte

Dated: 23 July 2014

It is not intended to serve a copy of this application on any person.