

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

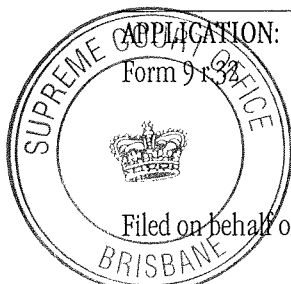
AND

Intervener: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

APPLICATION

TAKE NOTICE that Mr David Whyte, the person appointed pursuant to section 601NF(1) of the *Corporations Act 2001* (Cth) ("the Act") to take responsibility for ensuring that the LM First Mortgage Income Fund ARSN 089 343 288 ("FMIF") is wound up in accordance with its constitution, is applying to the Court, pursuant to paragraph 3(c) of the Orders of Justice Dalton dated 21 August 2013, for the following orders:-

1. That the remuneration of David Whyte for the period 8 August 2013 to 31 March 2014 be fixed in the amount of \$702,480.35 (inclusive of GST);



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

2. That the costs of and incidental to this application be costs in the winding up of the FMIF, to be paid out of the assets of the FMIF.
3. Such further or other order as the Court sees fit.

This application will be heard by the Court at Brisbane

on: 26/5/14 at 10 am.

Filed in the Brisbane Registry on 2 May 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 David Whyte sworn 2 May 2014.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 1 HOUR

Signed:



Tucker & Cowen

Description: Solicitors for the Applicant, Mr David Whyte

Dated: 2 May 2014

This application is to be served on:

The members of the LM First Mortgage Income Fund

LM Investment Management Limited (In Liquidation) as responsible entity of the LM First Mortgage Income Fund ARSN 089 343 288

C/- Russells

Level 21, 300 Queen St

Brisbane QLD 4000

Australian Securities and Investments Commission

Level 20

240 Queen Street

Brisbane QLD 4000

Deutsche Bank AG
C/- Clayton Utz
333 Collins Street
Melbourne VIC 3000
Attention: Mr Peter Bowden

Mr Joseph David Hayes and Mr Anthony Norman Connelly
C/- Clayton Utz
333 Collins Street
Melbourne VIC 3000
Attention: Mr Peter Bowden

Trilogy Funds Management Limited as Responsible Entity of the LM Wholesale First Mortgage Income
Fund
Level 10 Brisbane Club Tower
241 Adelaide Street
Brisbane QLD 4000