

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: Justice Jackson

Date: 23 June 2015

Initiating document: Application filed 29 May 2015

Amended application filed 3 June 2015

THE ORDER OF THE COURT IS THAT:-

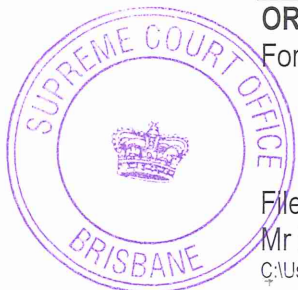
1. In respect of service on the 61 members of the LM First Mortgage Income Fund ARSN 089 343 288 ("**FMIF**") (identified at paragraphs 14 and 15 of the affidavit of Murray Daniel sworn 23 June 2015, the period of time specified in paragraph 3 of the Order of this Honourable Court made on 1 June 2015 ("**Service Order**") following the

ORDER
Form 59 R.661

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Filed on behalf of the Applicant,
Mr David Whyte

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sending of Notice in accordance with paragraph 2 of the Service Order, after which service on the members of the FMIF is deemed to have been effected, be abridged, namely to the time elapsed after the Notice was sent to those members until the commencement of the hearing.

2. The remuneration of David Whyte, as the person responsible for ensuring the FMIF is wound up in accordance with its Constitution for the period 1 October 2014 to 30 April 2015 be fixed in the amount of \$1,761,911.25 (inclusive of GST).
3. The remuneration of David Whyte and Andrew Fielding, the persons appointed as agents of The Trust Company (PTAL) Ltd ACN 008 412 913, in lieu of LM Investment Management Ltd (receivers and managers appointed) (in liquidation) ACN 077 208 461, in respect of the securities held by:-
 - (i) Cameo Estates Lifestyle Villages (Launceston) Pty Ltd (Receivers and Managers Appointed) (Controllers Appointed) ACN 098 955 296;
 - (ii) Bridgewater Lake Estate Pty Limited (In Liquidation) (Controllers Appointed) ACN 086 203 787;
 - (iii) OVST Pty Ltd (In Liquidation) (Controllers Appointed) ACN 103 216 771;
 - (iv) Redland Bay Leisure Life Pty Ltd (In Liquidation) (Controllers Appointed) ACN 109 932 916;
 - (v) Redland Bay Leisure Life Development Pty Ltd (In Liquidation) (Controllers Appointed) ACN 112 002 383; and
 - (vi) Pinevale Villas Morayfield Pty Ltd (In Liquidation) (Controllers Appointed) ACN 116 192 780

for the period 1 October 2014 to 30 April 2015, be fixed in the amount of \$442,214.30 (inclusive of GST).

4. That David Whyte's costs of and incidental to this application, and the costs reserved by the Orders of this Honourable Court on 5 May 2014, 26 May 2014 and 1 June 2015, be costs in the winding up of the FMIF, to be paid out of the assets of the FMIF.

Signed:


Deputy Registrar

