

**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 Martin

**Date:** 11 December 2015

**Initiating document:** Application filed 24 November 2015

**THE ORDER OF THE COURT IS THAT:-**

1. 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 May 2015 to 31 October 2015 be fixed in the amount of \$2,279,205.50 (inclusive of GST).



**ORDER**  
Form 59 R.661

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Filed on behalf of the Applicant,  
Mr David Whyte

2. 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 May 2015 to 31 October 2015, be fixed in the amount of \$194,052.10 (inclusive of GST).

3. That David Whyte's 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.

Signed:

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Deputy Registrar

