

*Duplicate*

**SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS3508 of 2015

**IN THE MATTER OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED)**

First Applicant: **JOHN RICHARD PARK AS LIQUIDATOR OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ACN 007 208 461 THE RESPONSIBLE ENTITY OF THE LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288**

AND

Second Applicant: **LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ACN 077 208 461 THE RESPONSIBLE ENTITY OF LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288**

AND

First Respondent: **DAVID WHYTE AS THE PERSON APPOINTED TO SUPERVISE THE WINDING UP OF THE LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288 PURSUANT TO SECTION 601NF OF THE CORPORATIONS ACT 2001**

AND

Second Respondent: **SAID JAHANI IN HIS CAPACITY AS RECEIVER AND MANAGER OF THE ASSETS, UNDERTAKING, RIGHTS AND INTERESTS OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ACN 077 208 461 AS THE RESPONSIBLE ENTITY OF THE LM CURRENCY PROTECTED AUSTRALIAN INCOME FUND ARSN 110 247 875 AND THE LM INSTITUTIONAL CURRENCY PROTECTED AUSTRALIAN INCOME FUND ARSN 122 052 868**



**ORDER**

Filed on behalf of the Applicants  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661

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Before: Justice Kelly  
Date: 18 April 2024  
Initiating document: Application filed 17 April 2024

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

1. Service of the Application filed 17 April 2024 in this proceeding (**Application**) and any supporting material on the members of the FMIF shall be effected by the First Respondent:
  - (a) posting a notice (**Notice**) to the website "lmfmif.com" (**Website**) substantially in the form contained in Annexure A to the Order made on 18 April 2024 in proceeding BS3383 of 2013; 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 Register.
2. The parties are excused, for the purposes of the Application, from complying with paragraphs 16, 17 and 18 of the Order of the Honourable Justice Callaghan made on 23 March 2021 (**March 2021 Order**).

**THE COURT DIRECTS THAT:**

3. By 13 May 2024 any party who wishes to be heard on the Application, including Mr Whyte, file and serve any affidavit material on which they intend to rely, as well as a short statement summarising the grounds, if any, on which they oppose the relief sought in the Application.
4. By 20 May 2024, the first applicant file and serve a written outline of submissions in support of the relief sought at the second return date.
5. The Application be listed for a further hearing of paragraphs 4 to 9 of the Application, to be heard together with Mr Whyte's application filed 12 April 2024 in BS3383 of 2015, on 27 May 2024.

Signed: \_\_\_\_\_

Deputy Registrar

