

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: BS4228/23

IN THE MATTER OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 007 208 461 AS RESPONSIBLE ENTITY OF THE LM INSTITUTIONAL CURRENCY PROTECTED AUSTRALIAN INCOME FUND;

LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 007 208 461 AS RESPONSIBLE ENTITY OF THE LM CURRENCY PROTECTED AUSTRALIAN INCOME FUND

First Applicant: **LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 007 208 461**

AND

Second Applicant: **JOHN RICHARD PARK AS LIQUIDATOR OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 007 208 461**

AND

Third Applicant: **LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 007 208 461 AS RESPONSIBLE ENTITY OF THE LM INSTITUTIONAL CURRENCY PROTECTED AUSTRALIAN INCOME FUND**

AND

Fourth Applicant: **LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) ACN 007 208 461 AS RESPONSIBLE ENTITY OF THE LM CURRENCY PROTECTED AUSTRALIAN INCOME FUND**

ORDER

Before: Martin J

Date: 11 April 2023

Initiating document: Originating Application filed 6 April 2023

THE ORDER OF THE COURT IS THAT (in which the terms in bold type bear the meaning in

ORDER

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

Russells

Level 18, 300 Queen Street
Brisbane QLD 4000
Tel: (07) 3004 8888
Fax: (07) 3004 8899
Ref: MKR:20201040

the Glossary in the Schedule 1):

1. That, pursuant to r 116(1) of the *Uniform Civil Procedure Rules 1999 (UCPR)*, service of the Originating Application and the affidavit Millicent Kathryn Russell sworn 6 April 2023 in this proceeding be effected on the members of the **ICPAIF** and the **CPAIF** as follows:-
 - (a) by the second applicant uploading to the **Website** the Originating Application, the **Notice**, any order made as to service and the said affidavit of Ms Russell (including all exhibits);
 - (b) by the second applicant sending an email to those members of the **ICPAIF** and the **CPAIF**, for whom an email address is recorded:
 - (i) attaching the **Notice**;
 - (ii) stating that they may view the Court documents referred to in paragraph 1 above on the **Website**; and
 - (iii) where the second applicant receives a response to an email that indicates the email was not received, or if the applicants do not hold an email address for any member, and the applicants have a postal address for those members, the second applicant is to post the **Notice** to the postal address of those members.
2. That, pursuant to r 116(3) of the UCPR, service of the Originating Application, this order and the said affidavit of Ms Russell in accordance with any order so made shall be deemed to be effective service on each of the members of the **ICPAIF** and the **CPAIF** on completion of the last step in paragraph 1 above.
3. The applicants shall not be required to take further steps to serve the members of the **ICPAIF** or **CPAIF** whose email addresses return permanent undeliverable receipts and for whom the applicants do not have a postal address.
4. Costs be reserved.

Signed:

**SCHEDULE 1
GLOSSARY**

TERM	DEFINITION
CPAIF	LM Currency Protected Australian Income Fund
ICPAIF	LM Institutional Currency Protected Australian Income Fund
LMIM	LM Investment Management Limited (In Liquidation) ACN 077 208 46
Notice	The notice in Schedule 2 to this order
Website	www.lminvestmentadministration.com

SCHEDULE 2

NOTICE TO MEMBERS

TO: The Members of [insert name of relevant fund]

John Richard Park is the liquidator of LM Investment Management Limited (in liquidation) (Receivers & Managers appointed) ACN 077 208 461 (LMIM), which remains the responsible entity of the [insert relevant fund, viz CPAIF or ICPAIF].

TAKE NOTICE that John Richard Park, the liquidator of LMIM has applied to the Supreme Court of Queensland for Directions, pursuant to s 96 of the *Trusts Act 1973* (Qld) and s 90-15 of *Insolvency Practice Schedule (Corporations)*, that the applicants named in the Court documents:

5. were justified in commencing Supreme Court of Queensland proceeding, BS 14389 of 2022 and would be justified in continuing to prosecute that proceeding;
6. are justified in resisting any strike out application that the defendant has foreshadowed filing in Supreme Court of Queensland proceeding, BS 14389 of 2022 (which strike out application is presently listed for hearing before Kelly J on 27 April 2023).

The application is set down for hearing on [date].

Copies of the application and other court documents filed in the proceeding will be available on the website www.lminvestmentadministration.com. Any member who reasonably requires a hard copy of the application and other court documents should call Russells on +61 7 3004 8888.

The members of [insert ICPAIF or CPAIF] are not respondents to the application but any member is entitled to be heard in the application if they wish. Any member who wishes to appear and to make submissions at the hearing of the application must file a Notice of Appearance in Form 8 to the Uniform Civil Procedure Rules and serve a copy of that notice on Russells, the solicitors for John Richard Park as liquidator of LMIM, at their office at:

Level 18, 300 Queen Street, Brisbane QLD

Telephone: (07) 3004 8888

Fax: (07) 3004 8899

Email: service@russells.au

This notice is given pursuant to an order of the Supreme Court of Queensland made on [date]. A copy of the order may be seen on the website www.lminvestmentadministration.com.

Dated # April 2023.