

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 8792 of 2013

Plaintiff: **KORDAMENTHA PTY LTD (ACN 100 169 391)
AS TRUSTEE FOR THE LM MANAGED
PERFORMANCE FUND**

AND

First Defendant: **LM INVESTMENT MANAGEMENT LIMITED
(RECEIVERS AND MANAGERS APPOINTED)
(IN LIQUIDATION) ACN 077 208 461**

AND

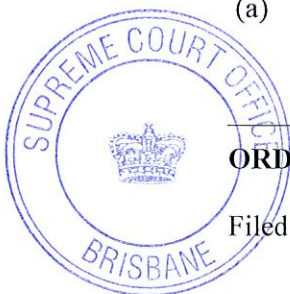
Second Defendant: **TRUST COMPANY (PTAL) LIMITED
ACN 008 412 913**

ORDER

Before: Justice Jackson
Date: 5 November 2015
Initiating document: Application filed 5 November 2015

THE ORDER OF THE COURT IS THAT:-

1. Service of these proceedings under section 96 of the *Trusts Act 1973* (Qld) be effected on the members of the LM Australian Income Fund ("AIF") in accordance with this order.
2. Before emailing and posting the Notice to Members referred to in paragraph 2(c) of this order, the First Defendant is to upload to the website www.lminvestmentadministration.com ("the Website") copies of the following documents:
 - (a) the Application filed by leave on 5 November, 2015 ("the Application");



ORDER

Filed on behalf of the First Defendant

Form 59 Rule 661

Russells
Level 18
300 Queen Street
BRISBANE 4000
Phone: 07 3004 8888
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Draft order Jackson J 05 11 2015

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- (b) the Statement of Facts dated 5 November, 2015;
 - (c) the Notice to Members of the AIF dated 5 November, 2015 (being in the form of exhibit AJT-1 to the affidavit of Mr Tiplady sworn 5 November, 2015) (“the Notice to Members”);
 - (d) the affidavit of Mr Tiplady sworn 5 November, 2015;
 - (e) this order; and
 - (f) the substantive affidavits (including all the exhibits) that the First Defendant intends to rely upon in support of the Application.

3. By 4:00pm on 10 November, 2015, the First Defendant is to send an email to the members of the AIF for whom the First Defendant holds an email address attaching the Notice to Members.

4. By 4:00pm on 11 November, 2015, where the First Defendant has received a response to an email pursuant to paragraph 3 of this order which indicates that the email was not received, or if the First Defendant does not hold an email address for a member of the AIF, and the First Defendant holds a postal address for such a member, the First Defendant is to post the Notice to Members to the postal address of those members.

5. Service in accordance with this Order of the documents mentioned in paragraph 2 above be deemed to be effective on each of the members of the AIF by 17 November, 2015.

6. Where the First Defendant proposes to reply on further material in support of the Application, it may serve that material by uploading the material to the Website and sending notice by email to members of the AIF or, where the First Defendant does not hold a valid email

address, by post to those members of the AIF, with such notice to direct the members of AIF to the further material which has been uploaded at the Website.

7. The First Defendant is not required to take further steps to serve the members of the AIF whose email addresses return permanent undeliverable receipts and in respect of which the First Defendant does not hold a postal address.

8. The application for final relief be adjourned for hearing until 10:00am on Tuesday, 24 November, 2015.

9. The costs of this application be reserved.

Signed:


Deputy Registrar

