

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: BS3508/2015

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

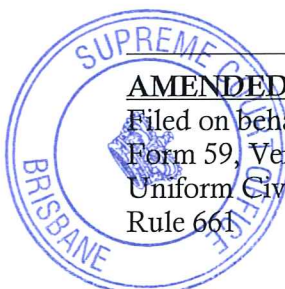
Second Respondent: **SAID JAHANI IN HIS CAPACITY AS RECEIVER AND MANAGER OF THE ASSETS, UNDERTAKING, RIGHTS AND INTERESTS OF LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ACN 077 208 461 AS THE RESPONSIBLE ENTITY OF THE LM CURRENCY PROTECTED AUSTRALIAN INCOME FUND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

AMENDED ORDER

Before: Justice Wilson

Date: 1 June 2021

Initiating document: Order made by Wilson J on 31 May 2021



AMENDED ORDER

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

Russells

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THE ORDER OF THE COURT IS THAT:

1. The first applicant's Corporate Remuneration as liquidator of the second applicant for the period 1 July 2018 to 31 October 2020 be determined in the sum of \$30,784.60 (including GST);
2. The first applicant's Category 1 remuneration as liquidator of the second applicant, in respect of the AIF, FMIF and the ASPF, for the period 1 July 2018 to 31 October 2020 be determined in the sum of \$290,255.45 (including GST);
3. The first applicant's Category 1 remuneration as liquidator of the second applicant, in respect of the ICPAIF and CPAIF for the period of 1 October 2015 to 31 October 2020 be determined in the sum of \$297,069.30 (including GST);
4. The first applicant's Category 2 remuneration as liquidator of the second applicant, in respect of the AIF, FMIF and ASPF, for the period of 1 July 2018 to 31 October 2020 be determined in the sum of \$217,283.11 (including GST);
5. The first applicant be paid the sum of \$138,340.80 (including GST) from the scheme property of the AIF for his remuneration as liquidator of the second applicant, such sum to include:
 - (a) \$65,913.10 (including GST) for Category 1 remuneration for the period 1 July 2018 to 31 October 2020; and
 - (b) \$72,427.70 (including GST) for Category 2 remuneration for the period 1 July 2018 to 31 October 2020;
6. The first applicant be paid the sum of \$243,236.90 (including GST) from the scheme property of the FMIF for his remuneration as liquidator of the second applicant, such sum to include:
 - (a) \$170,809.20 (including GST) for Category 1 remuneration for the period 1 July 2018 to 31 October 2020; and
 - (b) \$72,427.70 (including GST) for Category 2 remuneration for the period 1 July 2018 to 31 October 2020;
7. The first applicant be paid the sum of \$125,960.85 (including GST) from the scheme property of the ASPF for his remuneration as liquidator of the second applicant, such sum to include:
 - (a) \$53,533.15 (including GST) for Category 1 remuneration for the period 1 July 2018 to 31 October 2020; and

- (b) \$72,427.70 (including GST) for category 2 remuneration for the period 1 July 2018 to 31 October 2020;
8. The first applicant be paid the sum of ~~\$54,370.35~~ \$64,370.35 (including GST) from the scheme property of the ICPAIF for Category 1 remuneration for the period 1 October 2015 to 31 October 2020; and
9. The first applicant be paid the sum of \$232,698.95 (including GST) from the scheme property of the CPAIF for Category 1 remuneration for the period 1 October 2015 to 31 October 2020.
10. The parties' costs of the application be paid on the indemnity basis from the respective scheme property of the AIF, FMIF, ASPF, ICPAIF and CPAIF in such proportions as may be just and, in the case of the costs of the applicants, an equal one-fifth shares from each such Fund.
11. Order made on 31 May 2021 is revoked.

Signed:

Deputy Registrar

