

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: 3383 of 2013

Applicant: RAYMOND EDWARD BRUCE AND VICKI PATRICIA BRUCE

AND

First Respondent: LM INVESTMENT MANAGEMENT LIMITED  
(ADMINISTRATORS APPOINTED) 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

APPLICATION

To the respondent: TAKE NOTICE that ROGER SHOTTON, a member of the LM First Mortgage Income Fund, is applying to the Court for the following orders:-

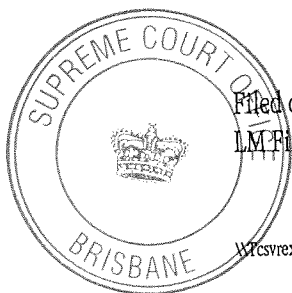
1. Pursuant to section 601NF(1) of the *Corporations Act*, that David Whyte (or such other person as the Court may deem appropriate) be appointed to take responsibility for ensuring that the LM First Income Mortgage Fund ASRN 089 343 288, is wound up in accordance with its constitution.
2. Pursuant to section 601ND of the *Corporations Act*, that the First Respondent be directed to wind up the LM First Income Mortgage Fund ASRN 089 343 288.
3. Such further directions as the Court thinks necessary about how the LM First Income Mortgage Fund ASRN 089 343 288 ought be wound up.
4. Such directions for service of this Application as the Court deems appropriate.
5. Such orders in relation to costs as the Court deems appropriate.

APPLICATION:  
Form 9

TUCKER & COWEN  
Solicitors  
Level 15  
15 Adelaide Street  
Brisbane, Qld, 4000.

Tele: (07) 300 300 00  
Fax: (07) 300 300 33

Filed on behalf of Roger Shotton, member of the  
LM First Income Mortgage Fund



This application will be heard by the Court at George Street, Brisbane, Queensland

on: 2 May 2013 at 10 am.

Filed in the Brisbane Registry on 29 April 2013:

Registrar: *hll*

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you. In addition you may before the day for hearing file a Notice of Address for Service in this Registry. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. You must serve a copy of it at the applicant's address for service shown in this application as soon as possible.

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of David Robert Walter Tucker to be sworn.

If you intend on the hearing to rely on any affidavits they must be filed and served at the applicant's address for service prior to the hearing date.

If you object that these proceedings have not been commenced in the correct district of the Court, you must apply to the Court for dismissal of the proceedings.


THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 2 Hours.

PARTICULARS OF THE APPLICANT:

Name:	Roger Shotton
Applicant's residential or business address:	Phirom Gardens – Flat 9A 11, Sukhumvit Road Soi 41 Wattana Bangkok 10110 Thailand
Applicant's solicitors name:	David Robert Walter Tucker
Solicitor's business address:	Level 15, 15 Adelaide Street, Brisbane Qld 4000
Address for service:	Level 15, 15 Adelaide Street, Brisbane Qld 4000
Telephone:	(07) 300 300 00
Fax:	(07) 300 300 33
E-mail address (if any):	dtucker@tuckercowen.com.au

Signed:

Description:

  
Solicitor for the Applicant

Dated:

29 April 2013

This application is to be served on: LM Investment Management Limited as responsible entity of the LM First  
Income Mortgage Fund ASRN 089 343 288  
of: C/- FTI Consulting, 22 Market Street, Brisbane.