

SUPREME COURT OF QUEENSLAND

REGISTRY:
NUMBER:

Brisbane
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**



APPLICATION

TAKE NOTICE that the applicants are applying to the Court for the following orders and relief:

APPLICATION
Filed on behalf of the Applicants
Form 9, Version 1
Uniform Civil Procedure Rules 1999
Rule 31

Russells
Level 18, 300 Queen Street
Brisbane QLD 4000
Tel: (07) 3004 8888
Fax: (07) 3004 8899
Ref: MKR:20200030

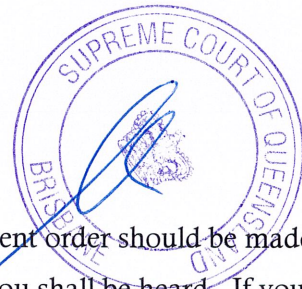
1. That, pursuant to the orders of Justice Jackson made herein on 17 December 2015, as varied on 18 July 2018, the Court approve the claim by the first applicant (**the Liquidator**) for payment of the sum of \$50,579.73 from the property of the LM First Mortgage Income Fund (**FMIF**) being the legal costs the Liquidator has incurred in connection with the second applicant (**LMIM**) acting as Responsible Entity for the FMIF.
2. An order that the first respondent shall pay the said sum of \$50,579.73 from the property of the FMIF to the applicants (or as they may direct in writing).
3. An order that the applicants' costs of this Application, as agreed by the applicants and the first respondent or otherwise assessed, be paid on the indemnity basis from the property of the FMIF.
4. Such further or other orders as this Honourable Court deems fit.

This application will be heard by the Court at QEII Courts of Law Complex, 415 George Street, Brisbane on 6 May 2022 at 10.00 am.

Filed in the Brisbane Registry on:

- 7 MAR 2022

Registrar:



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.

On the hearing of the application the Plaintiff intends to rely on the following affidavit(s):

1. Affidavit of John Richard Park sworn 7 March 2022;
2. Affidavit Stephen Charles Russell sworn 4 March 2022.

THE APPLICANTS ESTIMATE THE HEARING SHOULD BE ALLOCATED 1 HOUR

Signed:

A handwritten signature in black ink, appearing to be "Stephen Charles Russell", is written over a dotted line.

Description: Stephen Charles Russell, Russells, solicitors for the applicants

Dated: 7 March 2022

This application is to be served on:

First Respondent Name:

DAVID WHYTE

Address:

c/- Cowen Schwarz Marschke Solicitors
Level 8, 300 George Street
Brisbane City QLD 4000