

NOTICE TO MEMBERS

TO: The Members of LM First Mortgage Income Fund ARSN 089 343 288

John Richard Park is the liquidator of LM Investment Management Limited (in liquidation) (receivers and managers appointed) ACN 077 208 461 (“LMIM”), which remains the responsible entity of the:

LM First Mortgage Income Fund ARSN 089 343 288 (“FMIF”).

TAKE NOTICE that John Richard Park, the liquidator of LMIM, and LMIM (the applicants) have applied to the Supreme Court of Queensland for:

- (a) an order 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 Mr Park 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 LMIM acting as Responsible Entity for the FMIF.
- (b) an order that Mr Whyte 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).
- (c) an order that the applicants’ costs of this Application, as agreed by the applicants and Mr Whyte or otherwise assessed, be paid on the indemnity basis from the property of the FMIF.
- (d) such further or other orders as this Honourable Court deems fit.

The application is set down for hearing on 6 May 2022.

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 hardcopy of the application and other court documents should call Russells Lawyers on +61 7 3004 8888.

The members of the FMIF 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 4 to the Rules for Proceedings under the *Corporations Act 2001* which are in Chapter 23 of the *Uniform Civil Procedure Rules 1999*; and serve a copy of that notice on Russells, the solicitors for 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, at their office at Level 18, 300 Queen Street, Brisbane, QLD 4000. Tel. +61 7 3004 8888 Fax +61 7 3004 8899 E-mail: Service@RussellsLaw.com.au.

This notice is given pursuant to an order of the Supreme Court of Queensland made on 23 March 2021. A copy of the orders may be seen on the website www.lminvestmentadministration.com.

Dated: 9th March 2022