

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 3383 of 2013

Applicants: **RAYMOND EDWARD BRUCE AND VICKI PATRICIA BRUCE**

AND

First Respondent: **LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) 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**

AND

Third Respondent: **ROGER SHOTTON**

AND

Intervener: **AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**

AFFIDAVIT OF LEAH RHIANNON BLACK

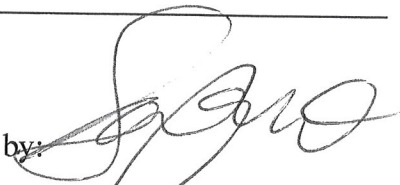
I, **LEAH RHIANNON BLACK** of c/- Tucker & Cowen Solicitors, Level 15, 15 Adelaide Street, Brisbane in the State of Queensland, office junior, solemnly and sincerely, affirms and declares:-

Page 1

Signed:



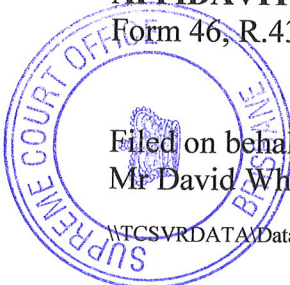
Witnessed by:



AFFIDAVIT:
Form 46, R.431

Filed on behalf of the Applicant,
Mr David Whyte

TUCKER & COWEN
Solicitors
Level 15, 15 Adelaide Street
Brisbane, Qld, 4000.
Tel: (07) 300 300 00
Fax: (07) 300 300 33



1. I am employed as an office junior by Tucker & Cowen Solicitors, the solicitors for the Applicant, Mr David Whyte.
2. Now produced and shown to me and marked “**LRB-1**” is an indexed paginated bundle of the documents referred to in this Affidavit.

Service of the parties to the proceeding

3. On 12 May 2020, I served the following documents:-
 - (a) Application for approval of David Whyte’s remuneration filed 11 May 2020; and
 - (b) Affidavit of David Whyte sworn on 7 May 2020 and filed on 11 May 2020 with Exhibit DW-121,

(“the **Documents**”) on:-

- (i) ASIC at 2:42pm; and
- (ii) Russells Lawyers, on behalf of LM Investment Management Limited (In Liquidation) (Receiver Appointed) as responsible entity of the LM First Mortgage (“**LMIM**”) at 2:46pm,

by delivering an envelope enclosing a covering letter and a hardcopy of the Documents to each of ASIC and LMIM.

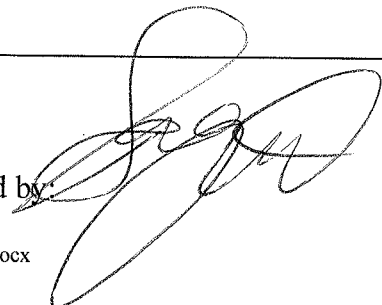
4. Exhibited hereto at the following pages of exhibit “**LRB-1**” are copies of the covering letters (which enclosed the Documents) addressed to:-
 - (a) Page 1: ASIC at Level 20, 240 Queen Street, Brisbane Qld 4000; and

Page 2

Signed:



Witnessed by:



(b) Page 2: Russells Lawyers at Level 18, 300 Queen Street, Brisbane Qld 4000 on behalf of LM Investment Management Limited (In Liquidation) (Receiver Appointed) as responsible entity of the LM First Mortgage Income Fund.

5. On 12 May 2020, I served the Documents on:-

(a) Trilogy Funds Management Limited as responsible entity of LM Wholesale First Mortgage Income Fund (“LMWFMIF”);

(b) Mr David Nunn and Ms Anita Byrnes; and

(c) Mr Raymond Edward Bruce and Ms Vicki Patricia Bruce,

by:-

(i) enclosing:

(A) a USB containing the Documents; and

(B) a covering letter,

in envelopes, which I addressed to the solicitors for the parties at paragraphs 5(a) and 5(c) above, so that each party referred to in paragraph 5(a) and 5(c) was addressed one envelope;

(ii) affixing postage in the sum of \$1.10 to each envelope; and

(iii) placing the envelopes in a red Australia Post post box located at 133 Adelaide Street, Brisbane Qld 4000, for posting at or about 2:32pm.


6. Exhibited hereto at the following pages of exhibit “**LRB-1**” are copies of the covering letters, a photocopy of the front of a USB containing the

Page 3

Signed:



Witnessed by:



Documents and the envelopes in which I enclosed them, addressed to each of the parties referred to in paragraphs 5(a) and 5(c):-

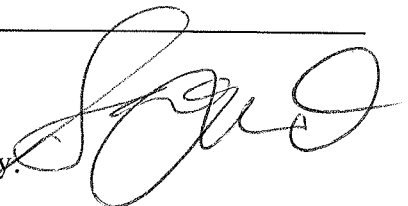
- (a) Pages 3 to 4: LMWFMIF at Level 23, 10 Eagle Street, Brisbane Qld 4000;
 - (b) Pages 5 to 6: Synkronos Legal at Locked Bag 17, Fortitude Valley BC Qld 4006 on behalf of Mr David Nunn and Ms Anita Byrnes; and
 - (c) Pages 7 to 8: Squire Patton Boggs at Level 17, Aurora Place, 88 Phillip Street, Sydney NSW 2000 on behalf of Mr Raymond Edward Bruce and Ms Vicki Patricia Bruce.
7. On 12 May 2020, I served the Documents on Deutsche Bank AG (“**Deutsche**”) by:-
- (a) enclosing a USB containing the Documents and a covering letter in an envelope addressed to Ms Lucinda Flanagan, Deutsche Bank, GPO Box 7033, Sydney NSW 2001;
 - (b) affixing postage in the sum of \$1.10 to the envelope; and
 - (c) placing the envelopes in a red Australia Post post box located at 133 Adelaide Street, Brisbane Qld 4000 for posting at or about 2:32pm.
8. Exhibited hereto at pages 9 to 10 of exhibit “**LRB-1**” is a copy of the covering letter to Deutsche, a photocopy of the front of a USB containing the Documents and the envelope in which I enclosed them.
9. On 12 May 2020, in addition to serving the Documents by the method at paragraphs 3 to 7 above, I sent emails attaching a copy of the Documents and covering letters addressed to the relevant party, where email addresses

Page 4

Signed:



Witnessed by:



for the parties to the proceeding were known, on behalf of Ms Sargent, a solicitor employed by Tucker & Cowen Solicitors.

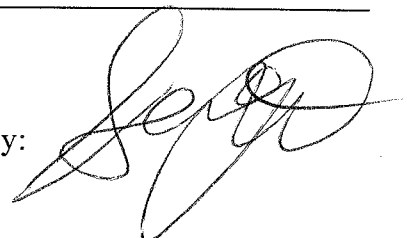
10. Exhibited hereto at the following pages of exhibit “**LRB-1**” are copies of the covering emails I sent on behalf of Ms Sargent to:-
 - (a) Page 11: ASIC at hugh.copley@asic.gov.au;
 - (b) Page 12: Russells Lawyers at srussell@russellslaw.com.au and mrussell@russellslaw.com.au;
 - (c) Page 13: Deutsche at lucinda.flanagan@db.com and madeline.porter@db.com;
 - (d) Page 14: Synkronos Legal at greglitster@synkronos.com; and
 - (e) Page 15: Squire Patton Boggs at Amanda.banton@squirepb.com.
11. On 12 May 2020, I received an automatic reply to my email referred to at paragraph 10(e) above.
12. On 13 May 2020 at 9.49am, I sent an email to Campbell Davidson of Squire Patton Boggs attaching the Documents and the covering letter to Squire Patton Boggs.
13. On 13 May 2020 at 12.40pm, I received an email from Campbell Davidson of Squire Patton Boggs advising that the matter was transferred to ‘Banton Group’. Exhibited hereto at pages 16 to 18 of exhibit “**LRB-1**” is a copy of my email exchange with Mr Davidson.
14. On 13 May 2020 at 2.06pm, I sent an email to amanda.banton@bantongroup.com attaching the Documents and the covering letter to Squire Patton Boggs. I received an email in response from Ms Banton at 3.58pm that day. Exhibited hereto at pages 19 to 20 of exhibit “**LRB-1**” is a copy of my email exchange with Ms Banton.

Page 5

Signed:



Witnessed by:



LM Administration Pty Ltd (In Liquidation) (Controllers Appointed)
ACN 055 691 426 ("LMA")

15. On 12 May 2020, I served a copy of the Notice on LMA by:-
- (a) enclosing a copy of the Notice with a covering letter in two separate envelopes with postage affixed to each envelope in the sum of \$1.10;
 - (b) affixing a label to each of the envelopes addressed to Mr David Clout of David Clout & Associates as liquidator of LMA as follows:-
 - (i) Mr David Clout of David Clout & Associates at 105A Bowen Street, Spring Hill QLD 4000; and
 - (ii) Mr David Clout of David Clout & Associates at Level 3, 26 Wharf Street, Brisbane QLD 4000;
 - (c) placing the envelopes in a red Australia Post post box located at 133 Adelaide Street, Brisbane Qld 4000 for posting at or about 2:32pm.
16. Exhibited hereto at pages 21 to 26 of exhibit "LRB-1" is a copy of the covering letters, the Notice and the envelopes.
17. Exhibited hereto at pages 27 to 35 of exhibit "LRB-1" is a copy of the current organisational extract for LMA obtained from the ASIC electronic database on 12 May 2020.

Feeder Funds

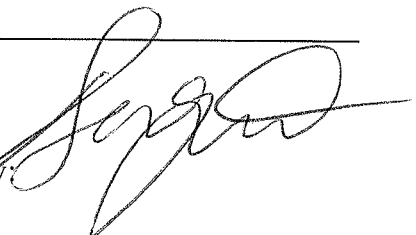
18. On 12 May 2020, I served a copy of the Notice on Said Jahani of Grant Thornton Australia Limited, the Receiver Manager appointed to the LM

Page 6

Signed:



Witnessed by:



Currency Protected Australian Income Fund and the LM Institutional Currency Protected Australian Income Fund (“the **Feeder Funds**”) by:-

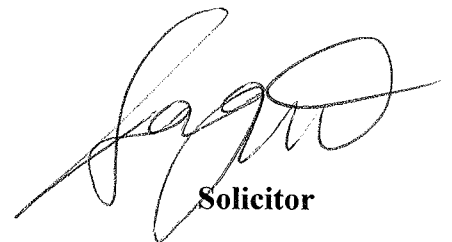
- (a) enclosing a copy of the Notice with a covering letter in an envelope with postage affixed in the sum of \$1.10;
 - (b) affixing a label addressed to Said Jahani at Grant Thornton Australia Limited, Level 17, 383 Kent Street, Sydney NSW 2000; and
 - (c) placing the envelopes in a red Australia Post post box located at 133 Adelaide Street, Brisbane Qld 4000 for posting at or about 2:32pm.
19. Exhibited hereto at pages 36 to 38 of exhibit “**LRB-1**” is a copy of the covering letter, the Notice and the envelope.
20. On 12 May 2020, I sent an email attaching a copy of the covering letter and Notice to Said.Jahani@au.gt.com on behalf of Ms Sargent. Exhibited hereto at page 39 of exhibit “**LRB-1**” is a copy of that email.
21. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

Affirmed by **LEAH RHIANNON BLACK** on the 26th day of May 2020 at Brisbane in the presence of:

Deponent



Solicitor



SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 3383 of 2013

Applicants: **RAYMOND EDWARD BRUCE AND VICKI
PATRICIA BRUCE**

AND

First Respondent: **LM INVESTMENT MANAGEMENT LIMITED
(IN LIQUIDATION) 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**

AND

Third Respondent: **ROGER SHOTTON**

AND

Intervener: **AUSTRALIAN SECURITIES & INVESTMENTS
COMMISSION**

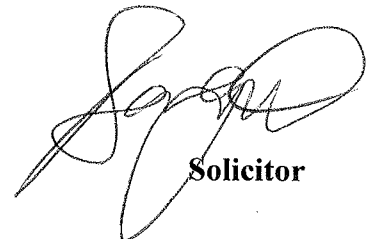
CERTIFICATE OF EXHIBIT

Exhibited hereto and marked "LRB-1" is a bundle of exhibits to the Affidavit of
LEAH RHIANNON BLACK affirmed this 26th day of May 2020.

Deponent



Solicitor



CERTIFICATE OF EXHIBIT:
Form 47, R.435

Filed on behalf of the Applicant,
Mr David Whyte

TUCKER & COWEN
Solicitors
Level 15, 15 Adelaide Street
Brisbane, Qld, 4000
Tel: (07) 300 300 00
Fax: (07) 300 300 33

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 3383 of 2013

Applicants: **RAYMOND EDWARD BRUCE AND VICKI PATRICIA BRUCE**

AND

First Respondent: **LM INVESTMENT MANAGEMENT LIMITED (IN LIQUIDATION) 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**

AND

Third Respondent: **ROGER SHOTTON**

AND

Intervener: **AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**

INDEX OF EXHIBITS

No.	Exhibit	Date	Page No.
1.	Letter from Tucker & Cowen Solicitors to ASIC enclosing the Documents	12 May 2020	1
2.	Letter from Tucker & Cowen Solicitors to Russells Lawyers enclosing the Documents	12 May 2020	2
3.	Letter from Tucker & Cowen Solicitors to Trilogy Funds Management Limited enclosing a USB containing the Documents	12 May 2020	3 – 4
4.	Letter from Tucker & Cowen Solicitors to Synkronos Legal enclosing a USB containing the Documents	12 May 2020	5 – 6
5.	Letter from Tucker & Cowen Solicitors to Squire Patton Boggs enclosing a USB containing the Documents	12 May 2020	7 – 8

No.	Exhibit	Date	Page No.
6.	Letter from Tucker & Cowen Solicitors to Deutsche Bank AG enclosing a USB containing the Documents	12 May 2020	9 – 10
7.	Email from Tucker and Cowen to Hugh Copley of ASIC	12 May 2020	11
8.	Email from Tucker and Cowen to Stephen Russell and Millie Russell of Russells Lawyers	12 May 2020	12
9.	Email from Tucker and Cowen to Lucinda Flanagan of Deutsche Bank AG	12 May 2020	13
10.	Email from Tucker and Cowen to Greg Litster of Synkronos Legal	12 May 2020	14
11.	Email from Tucker and Cowen to Amanda Banton of Squire Patton Boggs	12 May 2020	15
12.	Email chain with Campbell Davidson of Squire Patton Boggs	12 May 2020	16 – 18
13.	Email from Tucker & Cowen to Amanda Banton of Banton Group	12 May 2020	19 – 20
14.	Letter from Tucker & Cowen Solicitors to LMA enclosing the Notice	12 May 2020	21 – 26
15.	ASIC Current Company Extract of LMA	12 May 2020	27 – 35
16.	Letter from Tucker & Cowen Solicitors to Said Jahani enclosing the Notice	12 May 2020	36 – 38
17.	Email from Tucker and Cowen to Said Jahani of Grant Thornton Australia Limited	12 May 2020	39

Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020
Your reference: Mr Copley

Australian Securities and Investments Commission
Level 20
240 Queen Street
Brisbane Qld 4000

Original by delivery
Email: hugh.copley@asic.gov.au

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

Senior Associates.
Emily Anderson.
James Morgan.

Associates.
Scott Hornsey.
Paul Armit.

Dear Mr Copley

Bruce & Anor. –v- LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

We act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.

Please find enclosed by way of service on the Australian Securities and Investments Commission:-

1. the Application for approval of Mr Whyte's remuneration filed 11 May 2020; and
2. the supporting Affidavit of Mr Whyte sworn 7 May 2020 and filed 11 May 2020.

A copy of the above material is also available for download at the website www.lmfimif.com.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020
Your reference: Mr Russell

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Russells Lawyers
Level 18
300 Queen Street
Brisbane Qld 4000

Original by delivery

Email: srussell@russellslaw.com.au
MRussell@russellslaw.com.au

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

Senior Associates.
Emily Anderson.
James Morgan.

Dear Colleagues

Associates.
Scott Hornsey.
Paul Armit.

Bruce & Anor. –v- LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

As you know, we act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.

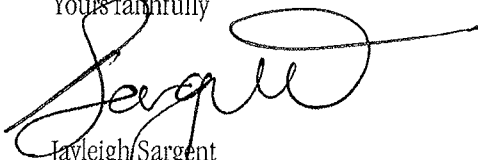
Please find enclosed by way of service on your client LM Investment Management Limited (In Liquidation) (Receivers & Managers Appointed) as responsible entity of the LM First Mortgage Income Fund:-

1. the Application for approval of Mr Whyte's remuneration filed 11 May 2020; and
2. the supporting Affidavit of Mr Whyte sworn 7 May 2020 and filed 11 May 2020.

A copy of the above material is also available for download at the website www.lmfimf.com.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020
Your reference:

Trilogy Funds Management Limited as responsible entity
of LM Wholesale First Mortgage Income Fund
Level 23
10 Eagle Street
Brisbane Qld 4000

By post

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

Senior Associates.
Emily Anderson.
James Morgan.

Associates.
Scott Hornsey.
Paul Armit.

Dear Sir/Madam

Bruce & Anor. –v- LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

We act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.

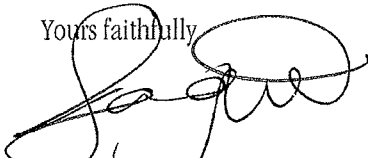
Please find enclosed by way of service on Trilogy Funds Management Limited as responsible entity of the LM Wholesale First Mortgage Income Fund, a USB containing:-

1. the Application for approval of Mr Whyte's remuneration filed 11 May 2020; and
2. the supporting Affidavit of Mr Whyte sworn 7 May 2020 and filed 11 May 2020.

A copy of the above material is also available for download at the website www.lmfimf.com.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.



TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001

Triogy Funds Management Limited
as responsible entity of
LM Wholesale First Mortgage Income Fund
Level 23
10 Eagle Street
Brisbane Qld 4000



Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone: 07 300 300 00 / Facsimile: 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020
Your reference: Mr Litster

Synkronos Legal
Locked Bag 17
Fortitude Valley BC Qld 4006

Original by post
Email: greglitster@synkronos.com

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

Senior Associates.
Emily Anderson.
James Morgan.

Associates.
Scott Hornsey.
Paul Armit.

Dear Mr Litster

Bruce & Anor. —v— LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte



We act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.


Please find enclosed by way of service on Mr David Nunn and Ms Anita Byrnes, a USB containing:-

1. the Application for approval of Mr Whyte's remuneration filed 11 May 2020; and
2. the supporting Affidavit of Mr Whyte sworn 7 May 2020 and filed 11 May 2020.

A copy of the above material is also available for download at the website www.lmfimif.com.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001

Synkronos Legal
Locked Bag 17
Fortitude Valley BC Qld 4006



Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

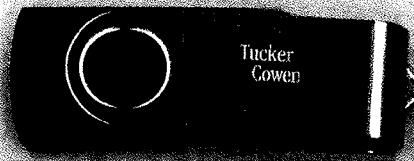
Level 15, 15 Adelaide St. Brisbane. Qld. 4000 / GPO Box 345, Brisbane. Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent

12 May 2020

Your reference: Ms Banton

Amanda Banton
Squire Patton Boggs
Level 17, Aurora Place
88 Phillip Street
Sydney NSW 2000



Original by post

Email: Amanda.banton@squirepb.com

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
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Dear Ms Banton

Bruce & Anor. —v- LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

We act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.

Please find enclosed by way of service on Mr Raymond Edward Bruce and Ms Vicki Patricia Bruce, a USB containing:-

1. the Application for approval of Mr Whyte's remuneration filed 11 May 2020; and
2. the supporting Affidavit of Mr Whyte sworn 7 May 2020 and filed 11 May 2020.

A copy of the above material is also available for download at the website www.lmfimf.com.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jayleigh Sargent'.

Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au

Direct Line: (07) 3210 3509

Cc. Mr Raymond Edward Bruce and Ms Vicki Patricia Bruce
Email: vicki@mbae.co.nz and rayvickibruce@hotmail.com

Individual liability limited by a scheme approved under Professional Standards Legislation.

TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001

Amanda Banton
Squire Patton Boggs
Level 17, Aurora Place
88 Phillip Street
Sydney NSW 2000



Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane. Qld. 4000 / GPO Box 345, Brisbane. Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020

Your reference:

Ms Lucinda Flanagan
Deutsche Bank
GPO Box 7033
Sydney NSW 2001

Original by Post

Email: lucinda.flanagan@db.com
madeline.porter@db.com

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
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Dear Sir/Madam

Bruce & Anor. --v- LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte



We act on behalf of Mr David Whyte.

We enclose, by way of notice, but not by way of service, a USB containing the following documents filed by our client:-

1. the Application for approval of Mr Whyte's remuneration filed 11 May 2020; and
2. the supporting Affidavit of Mr Whyte sworn 7 May 2020 and filed 11 May 2020.

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Yours faithfully

A handwritten signature in black ink, appearing to read 'Jayleigh Sargent'.

Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au

Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

**TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001**

**Ms Lucinda Fianagan
Deutsche Bank
GPO Box 7033
Sydney NSW 2001**



Jayleigh Sargent

From: Leah Black
Sent: Tuesday, 12 May 2020 4:32 PM
To: 'hugh.copley@asic.gov.au'
Cc: Alex Nase; Jayleigh Sargent
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to ASIC (TCS01834215).pdf; Application (TCS01833571-003).pdf; Affidavit of David Whyte (DW-121) (TCS01832847-003).pdf

Dear Mr Copley,

Please find **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Jayleigh Sargent

From: Leah Black
Sent: Tuesday, 12 May 2020 4:33 PM
To: 'srussell@russellslaw.com.au'; 'MRussell@russellslaw.com.au'
Cc: David Schwarz; Alex Nase; Jayleigh Sargent
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to Russells (TCS01834216).pdf; Application (TCS01833571-003).pdf; Affidavit of David Whyte (DW-121) (TCS01832847-003).pdf

Dear Colleagues,

Please find **attached** correspondence.

Yours faithfully,

)
Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Jayleigh Sargent

From: Leah Black
Sent: Tuesday, 12 May 2020 4:33 PM
To: 'lucinda.flanagan@db.com'; 'madeline.porter@db.com'
Cc: Alex Nase; Jayleigh Sargent
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to Deutsche Bank (TCS01834244).pdf; Application (TCS01833571-003).pdf; Affidavit of David Whyte (DW-121) (TCS01832847-003).pdf

Dear Sir/Madam,

Please find **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Jayleigh Sargent

From: Leah Black
Sent: Tuesday, 12 May 2020 4:34 PM
To: 'greglitster@synkronos.com'
Cc: Alex Nase; Jayleigh Sargent
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to Synkronos Legal (TCS01834242).pdf; Application (TCS01833571-003).pdf; Affidavit of David Whyte (DW-121) (TCS01832847-003).pdf

Dear Mr Litster,

Please find **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Jayleigh Sargent

From: Leah Black
Sent: Tuesday, 12 May 2020 4:33 PM
To: 'amanda.banton@squirepb.com'
Cc: Alex Nase; Jayleigh Sargent
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to Squire Patton Boggs (TCS01834248).pdf; Application (TCS01833571-003).pdf; Affidavit of David Whyte (DW-121) (TCS01832847-003).pdf

Dear Amanda,

Please find **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Jayleigh Sargent

From: Davidson, Campbell <campbell.davidson@squirepb.com>
Sent: Wednesday, 13 May 2020 12:40 PM
To: Leah Black
Cc: Alex Nase; Jayleigh Sargent; Burgess, Diane
Subject: RE: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte

Hi Leah

Thanks for your email.

This matter was transferred to Banton Group. Contact details can be found on their website:
<http://bantongroup.com/>.

Kind regards

Campbell



Campbell Davidson
Managing Partner
Squire Patton Boggs (AU)
Level 17, 88 Phillip Street
GPO Box 5412
Sydney NSW 2001
Australia

T +61 2 8248 7878
O +61 2 8248 7888
F +61 2 8248 7899
M +61 4 1009 6173

campbell.davidson@squirepb.com | squirepattonboggs.com

From: Leah Black <jnr@tuckercowen.com.au>
Sent: Wednesday, 13 May 2020 9:49 AM
To: Davidson, Campbell <campbell.davidson@squirepb.com>
Cc: Alex Nase <anase@tuckercowen.com.au>; Jayleigh Sargent <JSargent@tuckercowen.com.au>
Subject: [EXT] Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte

Dear Mr Davidson,

We understand Amanda Banton is no longer at Squire Patton Boggs. Please refer to the **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Leah Black
Office Junior

E: jnr@tuckercowen.com.au

T: 07 300 300 00 | F: 07 300 300 33

Level 15, 15 Adelaide Street, Brisbane | GPO Box 345, Brisbane Qld 4001

TCS Solicitors Pty Ltd. | ACN 610 321 509

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Jayleigh Sargent

From: Amanda Banton <amanda.banton@bantongroup.com>
Sent: Wednesday, 13 May 2020 3:58 PM
To: Leah Black
Subject: FW: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to Squire Patton Boggs (TCS01834248).pdf; Application (TCS01833571-003).pdf; Affidavit of David Whyte (DW-121) (TCS01832847-003).pdf

Hi,

We don't have a present retainer with the Bruce's and you should send to the address in the register.

Thanks

From: Leah Black <jnr@tuckercowen.com.au>
Sent: Wednesday, 13 May 2020 2:06 PM
To: Amanda Banton <amanda.banton@bantongroup.com>
Cc: Alex Nase <anase@tuckercowen.com.au>; Jayleigh Sargent <JSargent@tuckercowen.com.au>
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte

Dear Amanda,

Please refer to the **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor
E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by:

Leah Black
Office Junior

E: jnr@tuckercowen.com.au
T: 07 300 300 00 | F: 07 300 300 33
Level 15, 15 Adelaide Street, Brisbane | GPO Box 345, Brisbane Qld 4001
TCS Solicitors Pty Ltd. | ACN 610 321 509

Tucker&CowenSolicitors.

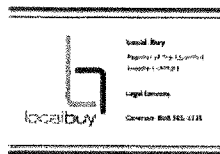
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Best Lawyers® International 2013 -2020 - Justin Marschke for Litigation, Regulatory and Alternative Dispute Resolution 2020

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Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020

Your reference: Mr Clout

LM Administration Pty Ltd (In Liquidation)
ACN 055 691 426
C/- Mr David Clout
David Clout & Associates
Level 3
26 Wharf Street
Brisbane Qld 4000

Dear Mr Clout,

Bruce & Anor. –v– LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

We act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.

Please find enclosed by way of service on LM Administration Pty Ltd, a copy of the Notice in respect of that Application.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

Senior Associates.
Emily Anderson.
James Morgan.

Associates.
Scott Hornsey.
Paul Armit.



Tel: +61 7 3237 5999
Fax: +61 7 3221 9227
www.bdo.com.au

Level 10, 12 Creek St
Brisbane QLD 4000
GPO Box 457 Brisbane QLD 4001
Australia

TO THE MEMBERS OF THE LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288 (RECEIVER APPOINTED) ("FMIF")

TAKE NOTICE that David Whyte, the person appointed pursuant to section 601NF(1) of the *Corporations Act 2001* (Cth) to take responsibility for ensuring that the FMIF is wound up in accordance with its constitution has applied to the Supreme Court of Queensland for orders that the amount that Mr Whyte, as the person responsible for ensuring that the FMIF is wound up in accordance with its constitution, is entitled to claim as remuneration in respect of time spent by him and by any servants or agents of BDO who have performed work in the winding up of the FMIF for the period 1 November 2019 to 30 April 2020 be fixed in the amount of \$989,373.55 (inclusive of GST).

This application is set down to be heard by the Supreme Court of Queensland at Brisbane on Wednesday, 27 May 2020 at 10.00am.

Copies of the court documents in respect of the application will be available on the website www.lmfimf.com.

Any member who reasonably requires a hard copy of the application and supporting material should call BDO on +61 7 3237 5999.

Dated: 11 May 2020

David Whyte

Court Appointed Receiver

TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001

LM Administration Pty Ltd (In Liquidation)
ACN 055 691 426
C/- Mr David Clout
David Clout & Associates
Level 3, 26 Wharf Street
Brisbane Qld 4000



TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001

LM Administration Pty Ltd (In Liquidation)
ACN 055 691 426
C/- Mr David Clout
David Clout & Associates
105A Bowen Street
Spring Hill Qld 4000



Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020

Your reference: Mr Clout

LM Administration Pty Ltd (In Liquidation)
ACN 055 691 426
C/- Mr David Clout
David Clout & Associates
105A Bowen Street
Spring Hill Qld 4000

Dear Mr Clout,

Bruce & Anor. –v- LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

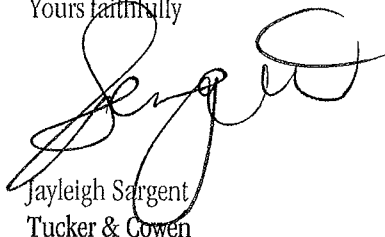
We act on behalf of Mr David Whyte.

Our client has made an Application to the Court for approval of his remuneration for the period 1 November 2019 to 30 April 2020.

Please find enclosed by way of service on LM Administration Pty Ltd, a copy of the Notice in respect of that Application.

The Application is listed to be heard at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

Principals.
Richard Cowen.
David Schwarz.
Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

Senior Associates.
Emily Anderson.
James Morgan.

Associates.
Scott Hornsey.
Paul Armit.



Tel: +61 7 3237 5999
Fax: +61 7 3221 9227
www.bdo.com.au

Level 10, 12 Creek St
Brisbane QLD 4000
GPO Box 457 Brisbane QLD 4001
Australia

TO THE MEMBERS OF THE LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288 (RECEIVER APPOINTED) ("FMIF")

TAKE NOTICE that David Whyte, the person appointed pursuant to section 601NF(1) of the *Corporations Act 2001* (Cth) to take responsibility for ensuring that the FMIF is wound up in accordance with its constitution has applied to the Supreme Court of Queensland for orders that the amount that Mr Whyte, as the person responsible for ensuring that the FMIF is wound up in accordance with its constitution, is entitled to claim as remuneration in respect of time spent by him and by any servants or agents of BDO who have performed work in the winding up of the FMIF for the period 1 November 2019 to 30 April 2020 be fixed in the amount of \$989,373.55 (inclusive of GST).

This application is set down to be heard by the Supreme Court of Queensland at Brisbane on Wednesday, 27 May 2020 at 10.00am.

Copies of the court documents in respect of the application will be available on the website www.lmfmif.com.

Any member who reasonably requires a hard copy of the application and supporting material should call BDO on +61 7 3237 5999.

Dated: 11 May 2020

David Whyte

Court Appointed Receiver

ASIC & Business Names

ORGANISATIONAL SEARCH ON LM ADMINISTRATION PTY LTD

Current Extract

This information was extracted from ASIC database on 12 May 2020 at 08:40AM

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

055 691 426	LM ADMINISTRATION PTY LTD	DOCUMENT NO.
	055 691 426	
ABN	Not available	
Registered in	QLD	
Date Registered	03-Apr-1992	
Review Date	03-Apr-2021	

Current Organisation Details

Name	LM ADMINISTRATION PTY LTD	7E5097311
Name Start	01-Nov-1999	
Status	EXTERNALLY ADMINISTERED	
	For information about this status refer to the documents listed under the heading "External Administration and/or Appointment of Controller", below.	
Type	AUSTRALIAN PROPRIETARY COMPANY	
Class	LIMITED BY SHARES	
Subclass	PROPRIETARY COMPANY	
Disclosing Entity	NO	

Current Registered Office

Address	DAVID CLOUT & ASSOCIATES, 105A BOWEN STREET, SPRING HILL, QLD, 4000	7E6642691
Start Date	19-Jan-2015	

Current Principal Place of Business

Address	105A BOWEN STREET, SPRING HILL, QLD, 4000	7E6642691
Start Date	23-Dec-2014	

Current Appointed Liquidator (Creditors Voluntary Winding up)

Officer Name	DAVID LEWIS CLOUT	7E5398403
ABN	Not available	
Address	DAVID CLOUT & ASSOCIATES, 'DAVID CLOUT & ASSOCIATES', 105A BOWEN STREET, SPRING HILL, QLD, 4000	
Appointment Date	26-Jul-2013	

Officer Name	DAVID LEWIS CLOUT	7E5398580
ABN	Not available	
Address	DAVID CLOUT & ASSOCIATES, 'DAVID CLOUT & ASSOCIATES', 105A BOWEN STREET, SPRING HILL, QLD, 4000	
Appointment Date	26-Jul-2013	

Appointment of secretary is optional. In the event no secretary is appointed the director(s) assume the responsibilities under the Law.

Current Issued Capital

Type	Current	007626539
Class	ORD ORDINARY	(AR 1993)
Number of Shares/Interests issued	3	
Total amount paid/taken to be paid	\$3.00	
Total amount due and payable	\$0.00	

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Current Members

Class	ORD	1E2918595
No. Held	1	
Beneficially Owned	YES	Fully paid YES

Name	DRAKE, PETER CHARLES
ABN	Not available
Address	13 ALBATROSS AVENUE, NOBBY BEACH, QLD, 4218
Joint Holding	NO

Class	ORD	1E2918595
No. Held	2	
Beneficially Owned	YES	Fully paid YES

Name	DRAKE, PETER CHARLES
ABN	Not available
Address	13 ALBATROSS AVENUE, NOBBY BEACH, QLD, 4218
Joint Holding	NO

Documents Relating to External Administration and/or Appointment

This extract may not list all documents relating to this status. State and territory records should be searched.

Received	Form Type	Processed	No. Pages	Effective	
02-Aug-2019	5602	02-Aug-2019	7	25-Jul-2019	7EAO02572
5602D	ANNUAL ADMINISTRATION RETURN RETURN OF CREDITORS' VOLUNTARY				

WINDING UP

20-Jun-2019 5011A	5011	20-Jun-2019	6	20-Jun-2019	7EAM49394
	COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A				
22-Aug-2018 1500	1500	22-Aug-2018	4	25-Jul-2018	7EAD36932
	ANNUAL REPORT TO CREDITORS				
20-Aug-2018 524J	524	20-Aug-2018	4	25-Jul-2018	7EAD27335
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
06-Feb-2018 524J	524	06-Feb-2018	4	25-Jan-2018	7E9876292
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
12-Oct-2017 1500	1500	12-Oct-2017	7	25-Jul-2017	7E9534420
	ANNUAL REPORT TO CREDITORS				
07-Aug-2017 524J	524	07-Aug-2017	13	25-Jul-2017	7E9327596
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
02-Feb-2017 524J	524	02-Feb-2017	13	25-Jan-2017	7E8736007
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
24-Aug-2016 1500	1500	24-Aug-2016	7	25-Jul-2016	7E8278737
	ANNUAL REPORT TO CREDITORS				
09-Aug-2016 524J	524	09-Aug-2016	13	25-Jul-2016	7E8231472
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
18-Feb-2016 524J	524	18-Feb-2016	12	25-Jan-2016	7E7709546
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
16-Sep-2015 1500	1500	16-Sep-2015	9	25-Jul-2015	7E7306050
	ANNUAL REPORT TO CREDITORS				
30-Jul-2015 524J	524	30-Jul-2015	11	25-Jul-2015	7E7175776
	PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP				
03-Jul-2015 524T	524	06-Aug-2015	9	05-Jun-2015	029315718
	PRESENTATION OF ACCOUNTS & STATEMENT PRESENTATION OF FINAL ACCOUNTS OF CONTROLLER (OTHER THAN RECEIVER OR MANAGING CONTROLLER)				

05-Jun-2015 505X	505	05-Jun-2015	2	05-Jun-2015	7E7013752
		NOTIFICATION OF CESSATION OF CONTROLLER (OTHER THAN RECEIVER OR MANAGING CONTROLLER)			
18-Feb-2015 524S	524	18-Feb-2015	11	23-Jan-2015	7E6735193
		PRESENTATION OF ACCOUNTS & STATEMENT PRESENTATION OF ACCOUNTS OF CONTROLLER (OTHER THAN RECEIVER OR MANAGING CONTROLLER)			
12-Feb-2015 524J	524	12-Feb-2015	15	25-Jan-2015	7E6719475
		PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP			
02-Oct-2014 525	525	02-Oct-2014	3	02-Oct-2014	7E6415016
		NOTICE OF DISCLAIMER OF ONEROUS PROPERTY			
02-Oct-2014 5011A	5011	02-Oct-2014	5	24-Sep-2014	7E6414902
		COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A			
08-Sep-2014 1500	1500	08-Sep-2014	9	25-Jul-2014	7E6348602
		ANNUAL REPORT TO CREDITORS			
07-Aug-2014 524S	524	07-Aug-2014	12	23-Jul-2014	7E6273411
		PRESENTATION OF ACCOUNTS & STATEMENT PRESENTATION OF ACCOUNTS OF CONTROLLER (OTHER THAN RECEIVER OR MANAGING CONTROLLER)			
01-Aug-2014 524J	524	01-Aug-2014	17	25-Jul-2014	7E6257560
		PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP			
17-Mar-2014 524S	524	29-Apr-2014	9	22-Jan-2014	028896207
		PRESENTATION OF ACCOUNTS & STATEMENT PRESENTATION OF ACCOUNTS OF CONTROLLER (OTHER THAN RECEIVER OR MANAGING CONTROLLER)			
24-Feb-2014 524J	524	24-Feb-2014	17	25-Jan-2014	7E5858892
		PRESENTATION OF ACCOUNTS & STATEMENT ACCOUNTS OF CREDITORS' VOLUNTARY WINDING UP			
14-Feb-2014 505R	505	14-Feb-2014	2	13-Feb-2014	7E5839529
		NOTIFICATION OF RESIGNATION OR REMOVAL OF LIQUIDATOR/PROVISIONAL LIQUIDATOR			
17-Jan-2014 5011A	5011	17-Jan-2014	6	19-Dec-2013	7E5775524
		COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A			
13-Sep-2013	507	13-Sep-2013	9	09-Sep-2013	7E5510840

507D REPORT AS TO AFFAIRS BY DIRECTORS

22-Aug-2013 507F	507	22-Aug-2013	22	02-Aug-2013	7E5458201
REPORT AS TO AFFAIRS FROM CONTROLLER UNDER S.429(2)(C)					
12-Aug-2013 524Z	524	12-Sep-2013	18	26-Jul-2013	028666313
PRESENTATION OF ACCOUNTS & STATEMENT PRESENTATION OF FINAL ACCOUNTS OF ADMINISTRATOR					
05-Aug-2013 5011A	5011	05-Aug-2013	4	26-Jul-2013	7E5418681
COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A					
05-Aug-2013 5011B	5011	05-Aug-2013	23	26-Jul-2013	7E5418678
COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION UNDER S.436E OR S.439A					
05-Aug-2013 505T	505	14-Aug-2013	6	24-Jul-2013	028643341
NOTIFICATION OF APPT OF CONTROLLER (OTHER THAN RECEIVER/MANAGING CONTROLLER)					
31-Jul-2013 504C	504	09-Aug-2013	4	24-Jul-2013	028643212
NOTIFICATION OF APPOINTMENT OF A BY APPOINTEE RE APPT OF CONTROLLER (OTHER THAN A RECEIVER)					
26-Jul-2013 509DA	509D	26-Jul-2013	2	26-Jul-2013	7E5399478
NOTICE UNDER S.446A OF SPECIAL RESOLUTION TO WIND UP COMPANY RESOLVED THAT COMPANY BE WOUND UP UNDER 439C(C)					
26-Jul-2013 505Y	505	26-Jul-2013	2	26-Jul-2013	7E5399436
NOTIFICATION OF RESIGNATION OR REMOVAL OF ADMINISTRATOR OF COMPANY UNDER ADMINISTRATION UNDER S.436E(4), 449B OR 449C					
26-Jul-2013 509DA	509D	26-Jul-2013	2	26-Jul-2013	7E5398742
NOTICE UNDER S.446A OF SPECIAL RESOLUTION TO WIND UP COMPANY RESOLVED THAT COMPANY BE WOUND UP UNDER 439C(C)					
26-Jul-2013 505J	505	26-Jul-2013	2	26-Jul-2013	7E5398580
NOTIFICATION OF APPOINTMENT OF LIQUIDATOR (CREDITORS' VOLUNTARY WINDING UP)					
26-Jul-2013 505J	505	26-Jul-2013	2	26-Jul-2013	7E5398403
NOTIFICATION OF APPOINTMENT OF LIQUIDATOR (CREDITORS' VOLUNTARY WINDING UP)					
19-Jun-2013 5011A	5011	19-Jun-2013	6	03-Jun-2013	7E5298882
COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A					
20-May-2013 5011A	5011	20-May-2013	4	30-Apr-2013	7E5228021
COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS,					

CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER
S.436E OR S.439A

22-Apr-2013	5011	22-Apr-2013	4	16-Apr-2013	7E5168697
5011A	COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION OTHER THAN UNDER S.436E OR S.439A				
15-Apr-2013	5011	15-Apr-2013	15	02-Apr-2013	7E5152996
5011B	COPY OF MINUTES OF MEETING OF MEMBERS, CREDITORS, CONTRIBUTORIES OR COMMITTEE OF INSPECTION UNDER S.436E OR S.439A				
19-Mar-2013	505	19-Mar-2013	2	19-Mar-2013	7E5097311
505U	NOTIFICATION OF APPT OF ADMINISTRATOR UNDER S.436A, 436B, 436C, 436E(4), 449B, 449C(1), 449C(4) OR 449(6)				

Document Details

Received	Form Type	Processed	No. Pages	Effective	
12-Jan-2015	484	12-Jan-2015	2	12-Jan-2015	7E6642691
484	Change to Company Details				
484B	Change of Registered Address				
484C	Change of Principal Place of Business (Address)				
22-Mar-2013	484	22-Mar-2013	2	22-Mar-2013	7E5105027
484B	Change to Company Details Change of Registered Address				
11-Jan-2012	311	11-Jan-2012	3	01-Nov-2011	7E4207405
311A	Notification of Assignment of Charge				
23-Sep-2011	309	23-Sep-2011	5	09-Sep-2011	7E3971531
309A	Notification of Details of a Charge				
13-Jul-2010	312	13-Jul-2010	2	13-Jul-2010	025130508
312A	Notification of Discharge				
13-May-2010	312	17-May-2010	4	13-May-2010	026419951
312A	Notification of Discharge				
07-Apr-2010	312	09-Apr-2010	2	07-Apr-2010	026495319
312C	Notification of Release of Property				
29-Mar-2010	312	31-Mar-2010	2	29-Mar-2010	026246715
312C	Notification of Release of Property				
29-Mar-2010	312	31-Mar-2010	2	29-Mar-2010	026246714
312C	Notification of Release of Property				
05-Jan-2010	312	06-Jan-2010	2	05-Jan-2010	026198160
312A	Notification of Discharge				
05-Jan-2010	312	06-Jan-2010	2	05-Jan-2010	026198161
312A	Notification of Discharge				
05-Jan-2010	309	06-Jan-2010	25	22-Dec-2009	026198162

309A	Notification of Details of a Charge				
15-May-2007	311	16-May-2007	4	04-May-2007	023759510
311B	Notification of Change to Details of Charge				
14-Feb-2007	484	14-Feb-2007	2	14-Feb-2007	1E2918595
484	Change to Company Details				
484A1	Change Officeholder Name or Address				
484A2	Change Member Name or Address				
28-Aug-2006	312	28-Aug-2006	2	28-Aug-2006	023096863
312A	Notification of Discharge				
28-Aug-2006	312	28-Aug-2006	2	28-Aug-2006	023096861
312A	Notification of Discharge				
28-Aug-2006	312	28-Aug-2006	2	28-Aug-2006	023096862
312C	Notification of Release of Property				
08-Jul-2005	350	08-Jul-2005	1	08-Jul-2005	020965555
350	Certification of Compliance With Stamp Duties Law By Provisional Charge Alters 020 957 875				
14-Jun-2005	309	14-Jun-2005	31	03-May-2005	020957875
309A	Notification of Details of a Charge Altered by 020 965 555				
03-Oct-2003	312	03-Oct-2003	1	03-Oct-2003	019255499
312C	Notification of Release of Property				
04-Jul-2003	312	17-Oct-2003	2	04-Jul-2003	019011364
312C	Notification of Release of Property				
04-Jun-2003	312	04-Jun-2003	1	04-Jun-2003	017905731
312C	Notification of Release of Property				
04-Jun-2003	309	04-Jun-2003	20	28-Oct-2002	017905729
309A	Notification of Details of a Charge				
20-Mar-2003	902	20-Mar-2003	1	20-Mar-2003	0E8703807
902	Supplementary Document Alters 0E8 567 142				
04-Feb-2003	316	20-Mar-2003	3	31-Jan-2003	0E8567142 (AR 2002)
316L	Annual Return Annual Return - Proprietary Company Altered by 0E8 703 807				
23-Aug-2002	309	23-Aug-2002	35	13-Jun-2002	018193490
309A	NOTIFICATION OF DETAILS OF A CHARGE				
01-Jul-2002	309	01-Jul-2002	20	12-Jun-2002	017919705
309A	NOTIFICATION OF DETAILS OF A CHARGE				
14-Mar-2002	370	20-Mar-2002	2	14-Mar-2002	017688371
370	NOTIFICATION BY OFFICEHOLDER OF RESIGNATION OR RETIREMENT Updates 055 691 42F				

31-Jan-2002	316	11-Feb-2002	3	30-Jan-2002	05569142L
316L	ANNUAL RETURN - PROPRIETARY COMPANY				(AR 2001)
17-Jan-2001	316	27-Feb-2001	3	20-Dec-2000	05569142K
316L	ANNUAL RETURN - PROPRIETARY COMPANY				(AR 2000)
28-Jan-2000	316	14-Feb-2000	3	27-Jan-2000	05569142J
316L	ANNUAL RETURN - PROPRIETARY COMPANY				(AR 1999)
01-Nov-1999	205	01-Nov-1999	1	29-Oct-1999	014228127
205A	NOTIFICATION OF RESOLUTION CHANGING COMPANY NAME				
08-Jul-1999	309	08-Jul-1999	21	30-Jun-1999	015339426
309A	NOTIFICATION OF DETAILS OF A CHARGE				
24-Jun-1999	309	24-Jun-1999	15	18-Jun-1999	015314906
309A	NOTIFICATION OF DETAILS OF A CHARGE				
24-Jun-1999	312	25-Jun-1999	1	24-Jun-1999	015314904
312C	NOTIFICATION OF RELEASE OF PROPERTY				
23-Apr-1999	309	27-Apr-1999	19	15-Mar-1999	014825070
309A	NOTIFICATION OF DETAILS OF A CHARGE				
14-Dec-1998	316	14-Dec-1998	3	08-Dec-1998	05569142I
316L	ANNUAL RETURN - PROPRIETARY COMPANY				(AR 1998)
30-Jan-1998	316	09-Feb-1998	4	29-Jan-1998	05569142H
316L	ANNUAL RETURN - PROPRIETARY COMPANY				(AR 1997)
20-Aug-1997	309	20-Aug-1997	19	06-Aug-1997	012781959
309A	NOTIFICATION OF DETAILS OF A CHARGE				
31-Jan-1997	316	24-Mar-1997	4	31-Jan-1997	010248517
316	ANNUAL RETURN				(AR 1996)
316A	CHANGE OF REGISTERED OFFICE ADDRESS				
316L	ANNUAL RETURN - PROPRIETARY COMPANY				
04-Dec-1996	309	05-Dec-1996	37	15-Jun-1996	011173086
309A	NOTIFICATION OF DETAILS OF A CHARGE				
31-Jan-1996	316	05-Jun-1996	4	30-Jan-1996	05569142F
316	ANNUAL RETURN				(AR 1995)
316A	CHANGE OF REGISTERED OFFICE ADDRESS				
316C	CHANGE TO OFFICEHOLDERS				
316L	ANNUAL RETURN - PROPRIETARY COMPANY				
	Updated by 017 688 371				
23-Jun-1995	245	23-Jun-1995	1	23-Jun-1995	009157496
245	CERTIFICATE OF REGISTRATION ON CHANGE OF NAME				
23-Jun-1995	205	23-Jun-1995	1	20-Jun-1995	009157495
205A	NOTIFICATION OF RESOLUTION CHANGING COMPANY NAME				
20-Jun-1995	410	20-Jun-1995	1	20-Jun-1995	009157432
410B	APPLICATION FOR RESERVATION OF A NEW NAME UPON CHANGE OF				

NAME

06-Feb-1995 316L	316 ANNUAL RETURN	09-Feb-1995	4	31-Dec-1994	05569142E (AR 1994)
07-Jun-1994 203A	203 NOTIFICATION OF CHANGE OF ADDRESS	07-Jun-1994	1	01-Jun-1994	007626662
19-May-1994 316 316A 316L	316 ANNUAL RETURN CHANGE OF REGISTERED OFFICE ADDRESS ANNUAL RETURN	19-May-1994	4	31-Dec-1993	007626539 (AR 1993)
30-Mar-1994 304A	304 NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN COMPANY	31-Mar-1994	2	31-Mar-1993	005256309
17-Nov-1993 909	909 NOTICE OF ADDRESS OF BRANCH REGISTER	17-Nov-1993	1	15-Oct-1993	005951599
28-Apr-1992 304A	304 NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN COMPANY	28-Apr-1992	1	03-Apr-1992	002406045
24-Apr-1992 304A	304 NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN COMPANY	15-May-1992	1	03-Apr-1992	002405966
10-Apr-1992 207B	207 NOTIFICATION OF ALLOTMENT OF SHARES REGARDING SUBSEQUENT ALLOTMENT	10-Apr-1992	2	03-Apr-1992	002405224
10-Apr-1992 209	209 NOTICE OF REDEMPTION OF REDEEMABLE PREFERENCE SHARES	10-Apr-1992	1	03-Apr-1992	002405219
10-Apr-1992 304A	304 NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN COMPANY	10-Apr-1992	2	03-Apr-1992	002405214
10-Apr-1992 203A	203 NOTIFICATION OF CHANGE OF ADDRESS	10-Apr-1992	1	03-Apr-1992	002405213
03-Apr-1992 204	204 CERTIFICATE OF REGISTRATION DIVISION 1 PT 2.2	03-Apr-1992	1	03-Apr-1992	002405098
03-Apr-1992 215	215 NOTIFICATION OF INITIAL APPOINTMENT OF OFFICEHOLDERS	03-Apr-1992	1	03-Apr-1992	002405075
03-Apr-1992 201C	201 APPLICATION FOR REGISTRATION AS A PROPRIETARY COMPANY	03-Apr-1992	4	03-Apr-1992	002403443
01-Apr-1992 410A	410 APPLICATION FOR RESERVATION OF A NAME OF A NEW AUSTRALIAN COMPANY	01-Apr-1992	1	01-Apr-1992	002404833

*** End of Extract ***

TUCKER & COWEN
SOLICITORS
GPO BOX 345
BRISBANE QLD 4001

Said Jahani
Grant Thornton Australia Limited
Level 17
383 Kent Street
Sydney NSW 2000



Tucker & Cowen Solicitors.

TCS Solicitors Pty. Ltd. / ACN 610 321 509

Level 15, 15 Adelaide St. Brisbane, Qld. 4000 / GPO Box 345, Brisbane, Qld. 4001.
Telephone. 07 300 300 00 / Facsimile. 07 300 300 33 / www.tuckercowen.com.au

Our reference: Mr Schwarz / Mr Nase / Ms Sargent 12 May 2020
Your reference:

Said Jahani
Grant Thornton Australia Limited
Level 17
383 Kent Street
Sydney NSW 2000

Original by Post
Email said.jahani@au.gt.com

Dear Mr Jahani,

Bruce & Anor. –v– LM Investment Management Limited & Ors.
Queensland Supreme Court Proceeding No. BS3383/2013
Remuneration of the Court Appointed Receiver David Whyte

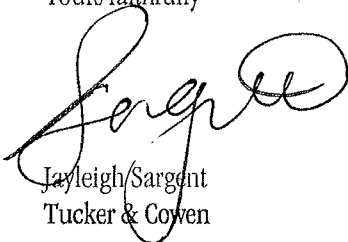
We act of on behalf of Mr David Whyte.

We refer to your appointment as joint and several receiver and manager of LM Investment Management Limited (Receivers and Managers Appointed) (in liquidator) ACN 077 208 461 as responsible entity for LM Currency Protected Australian Income Fund and LM Institutional Currency Protected Australian Income Fund, on 16 November 2015.

Please find enclosed a copy of a Notice in respect of Mr Whyte's application for approval of his remuneration for the period 1 November 2019 to 30 April 2020. The Application is listed for hearing at 10:00am on 27 May 2020 in the Supreme Court of Queensland.

If you have any queries, or wish to discuss the matter further, please do not hesitate to contact me on (07) 3210 3509.

Yours faithfully



Jayleigh Sargent
Tucker & Cowen

Direct Email: jsargent@tuckercowen.com.au
Direct Line: (07) 3210 3509

Individual liability limited by a scheme approved under Professional Standards Legislation.

Principals.
Richard Cowen.
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Justin Marschke.
Daniel Davey.

Consultant.
David Tucker.

Special Counsel.
Alex Nase.
Brent Weston.
Marcelle Webster.
Ben Shaw.

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Emily Anderson.
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TO THE MEMBERS OF THE LM FIRST MORTGAGE INCOME FUND ARSN 089 343 288 (RECEIVER APPOINTED) ("FMIF")

TAKE NOTICE that David Whyte, the person appointed pursuant to section 601NF(1) of the *Corporations Act 2001* (Cth) to take responsibility for ensuring that the FMIF is wound up in accordance with its constitution has applied to the Supreme Court of Queensland for orders that the amount that Mr Whyte, as the person responsible for ensuring that the FMIF is wound up in accordance with its constitution, is entitled to claim as remuneration in respect of time spent by him and by any servants or agents of BDO who have performed work in the winding up of the FMIF for the period 1 November 2019 to 30 April 2020 be fixed in the amount of \$989,373.55 (inclusive of GST).

This application is set down to be heard by the Supreme Court of Queensland at Brisbane on Wednesday, 27 May 2020 at 10.00am.

Copies of the court documents in respect of the application will be available on the website www.lmfimf.com.

Any member who reasonably requires a hard copy of the application and supporting material should call BDO on +61 7 3237 5999.

Dated: 11 May 2020

David Whyte

Court Appointed Receiver

Jayleigh Sargent

From: Leah Black
Sent: Tuesday, 12 May 2020 4:33 PM
To: 'said.jahani@au.gt.com'
Cc: Alex Nase; Jayleigh Sargent
Subject: Bruce & Anor. -v- LM Investment Management Limited & Ors. Queensland Supreme Court Proceeding No. BS3383/2013 Remuneration of the Court Appointed Receiver David Whyte
Attachments: Letter to Grant Thornton (TCS01834241).pdf

Dear Mr Jahani,

Please find **attached** correspondence.

Yours faithfully,

Sent on behalf of **Jayleigh Sargent**, Solicitor

E: jsargent@tuckercowen.com.au | D: 07 3210 3509

by: