

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 COMMISSION **SECURITIES**

&

INVESTMENTS

ORDER

Before:

Justice Callaghan

Date:

27 May 2020

Initiating document:

Application filed 11 May 2020

THE ORDER OF THE COURT IS THAT:

1. By 12 June 2020 the applicant, Mr David Whyte, the person appointed pursuant to section 601NF(1) of the Corporations Act 2001 (Cth) to take responsibility for ensuring that the LM First Mortgage Income Fund ARSN 089 343 288 is wound up in accordance with its constitution ("Mr Whyte"), file and serve any further affidavits he relies upon in respect of the application filed 11 May 2020 ("Application").

ORDER

Form 59 R.661

TUCKER & COWEN

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Filed on behalf of the Applicant, Mr David Whyte

- 2. Service of any affidavit filed by Mr Whyte in accordance with paragraph 1 of this Order be effected in accordance with paragraph 4 of the Order of Peter Lyons J made on 1 June 2015.
- 3. By 24 June 2020, any respondent intending to appear at the hearing of the Application file and serve upon Mr Whyte any affidavit on which the respondent intends to rely in response to the Application.
- 4. By 4:00pm on 26 June 2020, Mr Whyte file written submissions in support of the Application and serve such written submissions upon any respondent who has served an affidavit in accordance with paragraph 3 above
- 5. By 4 pm on 1 July 2020, any respondent intending to appear at the hearing of the Application file and serve upon Mr Whyte written submissions in response to the Application.
- 6. The Application be adjourned to 10:00am on 2 July 2020 for hearing before Justice Callaghan.
- 7. Costs reserved.

Signed: Deputy Registrar