

## Notice to the Creditors

of

**Equititrust Limited**  
**(Receiver Appointed) (In Liquidation)**  
**(Receivers and Managers Appointed)**  
**ACN 061 383 944**  
**("Company")**

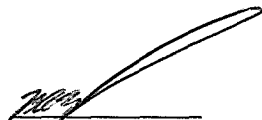
Take Notice that at 10:00am on 10 October 2016, the Supreme Court of New South Wales ("Court"), at Law Court Building, Queens Square, Sydney, will hear an application dated 16 September 2016 ("**Application**") by the plaintiffs, Mr Blair Pleash ("**First Plaintiff**") and Mr Richard Albarran ("**Second Plaintiff**") ("**Liquidators**") in their capacity as joint and several Liquidators of the Company ("**Third Plaintiff**") seeking:

1. an order under Sections 477(2B) and 477(2B) of the Corporations Act 2001 (Cth) ("**Act**") approving the plaintiffs entering into the deed with Thomas John Haney ("**Haney**") dated 20 April 2016 (and fully executed on 27 April 2016) ("**Settlement Deed**") and thereby compromising the claims by the Third Plaintiff against Haney;
2. declarations pursuant to Section 511(2) of the Act, that the First and Second Plaintiffs were justified, and acted properly, in causing the Third Plaintiff to enter into, and or to give effect to, the Settlement Deed;
3. confidentiality orders in respect of the confidential exhibit to the affidavit of Blair Pleash sworn 16 September 2016 and the affidavit marked 'Confidential Affidavit of Blair Alexander Pleash' sworn 16 September 2016; and
4. an order that the First and Second Plaintiffs' costs and expenses of the Application and the proceeding commenced by the Application be costs and expenses in the liquidation of the Third Plaintiff.

The Application relates to the entry into the Settlement Deed with Haney in respect of proceedings NSD2028 of 2013 brought by the Company in its capacity as responsible entity of the Equititrust Income Fund ("**Applicant**") against certain persons (including Haney) in the Federal Court of Australia.

Please note that while the Liquidators deem it appropriate to provide Creditors with notice of the Application, Creditors do not have a right to be heard in an application of this nature: see *Onefone Australia Pty Ltd v One.Tel Ltd* [2010] NSWSC 498; *Deloughery v Weston* [2010] NSWCA 148; *Re Gerard Cassegrain and Co Pty Ltd (in liq)* [2013] NSWSC 1293.

Dated this 30<sup>th</sup> day of September 2016,

  
**Blair Pleash**  
**Liquidator**