

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: BS 2011

IN THE MATTER OF EQUITITRUST LIMITED A.C.N. 061 383 944

Applicant: **EQUITITRUST LIMITED A.C.N. 061 383 944**

INTERLOCUTORY APPLICATION

A. DETAILS OF INTERLOCUTORY APPLICATION

This interlocutory application is made under Rule 1.8 of Schedule 1A to the Uniform Civil Procedure Rules in conjunction with an application for final relief under section 601FN, 601ND and 601NF of the *Corporations Act 2001 (Cth)* ("*Corporations Act*").

On the facts stated in the supporting affidavit of Paul Vincent sworn 15 November 2011, the Applicant applies for the following interlocutory relief:

1. notification of the originating application BS /2011 to members of the Equititrust Income Fund and Equititrust Priority Class Income Fund be provided to such members by:-
 1. a prominent advertisement of the application being published in the Australian Newspaper, the Courier Mail, the Gold Coast Bulletin;
 2. notification of the application being made in a prominent location on the Equititrust Limited website; and
 3. a mail out being posted by ordinary post to all members at their last known addresses.
2. The form of advertisement and notification be in substantially the same form as Annexure "A" hereto.
3. Service of the Court documents, including the originating application, the supporting affidavit of Mr Paul Vincent sworn 15 November 2011 and any Order made in respect of this application, be effected by those Court documents being made available in .pdf format on the website of the applicant, being www.equitrust.com.au, by 9:00am on Wednesday 16 November 2011.
4. Service of any further Court documents to be relied upon by the applicant in support of the application be effected by those Court documents being made available in .pdf format on the website of the applicant, being www.equitrust.com.au, by 4:00pm on Thursday 17 November 2011.
5. Time for service of the originating application and supporting affidavits be abridged such that the hearing of the originating application may proceed on Monday 21 November 2011.
6. Costs reserved.

Date: 15 November 2011

B. NOTICE TO RESPONDENT

To: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Address for Service:
Level 20, Commonwealth Bank Building
240 Queen Street
BRISBANE

This application will be heard by the Supreme Court at the Law Courts Complex, George Street, Brisbane at 2:30 pm on 15 November 2011.

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. In addition you may before the day for hearing file a Notice of Address for Service in this Registry. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. You must serve a copy of it at the Applicant's address for service shown in this application as soon as possible.

Note: Unless the Court otherwise orders, a Respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of Filing: 15 November 2011

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Registrar

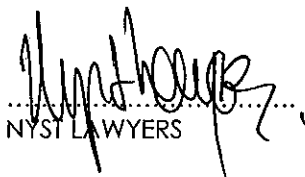
This interlocutory application is filed by Ashley Tiplady, Nyst Lawyers, Solicitors for the Applicant.

D. SERVICE

The Applicant's address for service is:

Name:	EQUITITRUST LIMITED
Applicant's residential or business address:	65/67 Thomas Drive, Chevron Island Q 4217
Applicant's Solicitors name: and firm name:	ASHLEY TIPLADY NYST LAWYERS
Solicitor's business address:	16 Nerang Street, Southport Qld 4215 [PO Box 3517, Australia Fair Qld 4215]
Address for service:	16 Nerang Street, Southport Qld 4215
Telephone:	(07) 5509 2400
Fax:	(07) 5571 0949
E-mail address (if any):	mailus@nystlawyers.com.au

Signed:


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NYST LAWYERS

Description: Solicitors for the Applicant

" A "

To members of:

Equititrust Income Fund and Equititrust Priority Class Income Fund (the "Funds")

Take notice that at 10am on Monday, 21 November 2011 Equititrust Limited will be applying to the Queensland Supreme Court (Law Courts Complex, George Street, Brisbane) for orders that:

1. The Equititrust Income Fund be wound up pursuant to section 601ND of the *Corporations Act (Cth) 2001*;
2. The Equititrust Priority Class Income Fund be wound up pursuant to section 601ND of the *Corporations Act (Cth) 2001*;
3. Pursuant to section 601FN of the *Corporations Act (Cth) 2001* Equititrust Limited be replaced as the Responsible Entity of the Equititrust Income Fund and the Equititrust Priority Class Income Fund by a temporary Responsible Entity, with that entity to wind-up the Funds and take steps to call a meeting of members to ratify its appointment; and
4. That a committee consisting of Mr Jeff McDermid, Mr Paul Vincent and Mr Nick Combis be appointed pursuant to section 601NF of the *Corporations Act (Cth) 2011* to take responsibility for ensuring that the Funds are wound up in accordance with their constitutions and that appropriate directions be made to effect that.

Please note that these Orders will crystallize and bring forward the winding-up that was previously contemplated by the Board of Equititrust itself and as notified to members in the notice dated 21 October 2011 and supplemented on 3 November 2011.

Further details may be found at www.equititrust.com.au, including copies of court documents filed in respect of the above application.

Dated: 16 November 2011

Jeff McDermid
Chairman
Equititrust Limited