

**FINAL ORDER**

**SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE  
NUMBER: BS 10478 OF 2011

**IN THE MATTER OF EQUITITRUST LIMITED ACN 061 383 944**

Applicant: **EQUITITRUST LIMITED ACN 061 383 944**

AND

Respondents: **THE MEMBERS OF THE EQUITITRUST INCOME FUND ARSN 089 079 854 AND THE MEMBERS OF THE EQUITITRUST PRIORITY CLASS INCOME FUND ARSN 089 079 729**

**ORDER**

Before: Justice Douglas

Date: 9 August 2018

Initiating document: Application filed 3 August 2018

**THE ORDER OF THE COURT IS THAT:**

1. Notice and service of the application dated 3 August 2018 filed by Mr David Whyte, the receiver of the property of the Equititrust Income Fund ARSN 089 079 854 (**EIF**) and the Equititrust Priority Class Income Fund (**EPCIF**) and the person appointed pursuant to section 601NF(1) of the *Corporations Act 2001* (Cth) to take responsibility for ensuring that the EIF is wound up in accordance with its constitution, and any supporting affidavits (together, the **Application and the Affidavits**), be effected on the members of the EIF and the EPCIF by:
  - (a) placing an advertisement of the Application in *The Australian*, *The Courier-Mail* and the *Gold Coast Bulletin* newspapers;
  - (b) posting a notice of the Application in a prominent location on the Equititrust Limited website of [www.equititrust.com.au](http://www.equititrust.com.au);
  - (c) posting a notice of the Application in a prominent location on the Equititrust Income Fund website of [www.equititrustincomefund.com.au](http://www.equititrustincomefund.com.au); and
  - (d) sending a notice of the Application to all members of the EIF and the EPCIF at their last known email address or, if no email address is known, their last known postal address.
2. The form of the advertisement and respective notices be in substantially the same form as the notice set-out in "Annexure A" to this Order.
3. Service of the Application and the Affidavits be deemed effected on each of the members of the EIF and the EPCIF five (5) days after those documents are made available in PDF format on the following websites: "[www.equititrust.com.au](http://www.equititrust.com.au)" and "[www.equititrustincomefund.com.au](http://www.equititrustincomefund.com.au)".



ORDER  
Filed on Behalf of the court appointed receiver  
Form 59 Rule 661

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4. Service of any further documents to be relied upon by the court appointed receiver in respect of the Application be deemed effected on each of the members of the EIF and the EPCIF five (5) days after those documents are made available in PDF format on the following websites: “www.equitrust.com.au” and “www.equitrustincomefund.com.au”.
5. The Applicant’s costs of and incidental to the Application be costs in the winding up of the Equitrust Income Fund.

Signed:



Deputy Registrar



## ANNEXURE A

### TO THE MEMBERS OF:

**EQUITITRUST INCOME FUND ARSN 089 079 854 (“EIF”) and THE EQUITITRUST  
PRIORITY CLASS INCOME FUND ARSN 089 079 729 (“EPCIF”)**

TAKE NOTICE that David Whyte, the court appointed receiver of the EIF, has applied to the Supreme Court of Queensland for directions in respect of the identification and adjudication of any claims by the liquidators of Equititrust Limited (In Liquidation) ABN 74 061 383 944 against the EIF, as detailed in the affidavit of Mr Whyte filed with that application.

This application is set down to be heard by the Supreme Court at Brisbane on 30 August 2018 at 10:00am.

Copies of the court documents in respect of this application will be available on the Equititrust Limited website of “[www.equititrust.com.au](http://www.equititrust.com.au)” and the Equititrust Income Fund website of “[www.equititrustincomefund.com.au](http://www.equititrustincomefund.com.au)”.

Dated: 9 August 2018