

Duplicate

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 Margaret Wilson
Date: 23 May 2013
Initiating Document: Application filed 16 May 2013

THE ORDER OF THE COURT IS THAT:

1. That notice of the application filed by Mr Whyte for the approval of his remuneration for the period 1 September 2012 to 30 April 2013 (**Application**) and any further applications to be made by David Whyte in these proceedings for approval of his remuneration be effected on the members of the Equititrust Income Fund ARSN 089 079 854 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;
 - (c) posting a notice of the application in a prominent location on the Equititrust Income Fund website of www.equitrustincomefund.com.au; and
 - (d) sending a notice by ordinary post to all members at their last known address,
2. That 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. That service of the Application and supporting affidavit of David Whyte and any further applications filed by David Whyte in these proceedings for approval of his remuneration and supporting affidavits be deemed effected on each of the members of the EIF five (5) days after those documents are made available in PDF on the websites of "www.equititrust.com.au" and "www.equitrustincomefund.com.au";



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BNEDOCS Draft Order (23 May 2013)

4. That service of any further documents to be relied upon by the court appointed receiver in respect of the Application and any further application and any Orders made in respect of the applications be deemed effected on each of the members of the EIF five (5) days after those documents are made available in PDF on the websites of "www.equititrust.com.au" and "www.equititrustincomefund.com.au".
5. Costs reserved.

Signed:



DEPUTY REGISTRAR



ANNEXURE A

TO THE MEMBERS OF:

EQUITITRUST INCOME FUND ARSN 089 079 854 ("EIF")

TAKE NOTICE that David Whyte, the court appointed receiver of the EIF, has applied to the Supreme Court of Queensland for an order that the amount that Mr Whyte 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 EIF and the receivership of the EIF for the period [date] to [date] be fixed in the amount of \$[amount] (inclusive of GST).

This application is set down to be heard by the Supreme Court at Brisbane on [date] at [time].

Copies of the court documents in respect of this application will be available on the Equititrust Limited website of "www.equititrust.com.au" and the Equititrust Income Fund website of "www.equititrustincomefund.com.au".

Dated:

~~DEPUTY REGISTRAR~~

