

**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  
EQUITIRUST PRIORITY CLASS INCOME FUND ARSN 089  
079 729**

**APPLICATION**

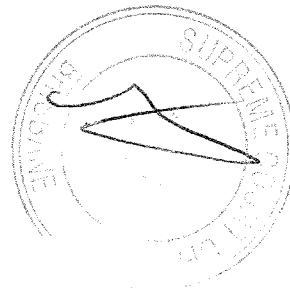
TAKE NOTICE that Mr David Whyte, the receiver of the property of the Equititrust Income Fund ARSN 089 079 854 (EIF) and the person appointed pursuant to section 601NF(1) of the *Corporations Act 2001* (Cth) to take responsibility for ensuring that the EIF is wound up in accordance with its constitution is applying to the Court, pursuant to paragraph 3 of the Order of Justice Applegarth dated 21 November 2011 and pursuant to paragraphs 5 and 6 of the Order of Justice Applegarth dated 23 November 2011 and further, or in the alternative, pursuant to the general liberty to apply granted to any person affected by the Order of Justice Applegarth dated 23 November 2011, for the following orders:

1. 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 1 November 2016 to 31 October 2017 be fixed in the amount of \$318,561.65 (inclusive of GST).
2. That the costs of and incidental to this application be a cost in the winding up of the EIF be paid out of the EIF.
3. Such further or other order as the Court sees fit.

This application will be heard by the Court at Brisbane on: *20 DECEMBER 2017 at 10:00 am*

Filed in the Brisbane Registry on 30 November 2017.

Registrar:



Application  
Filed on behalf of the Court Appointed Receiver  
Form 9 R. 31

GADENS LAWYERS  
Level 11, 111 Eagle Street  
BRISBANE QLD 4000  
Tel No.: 07 3231 1666  
Fax No.: 07 3229 5850  
SZC:JSO:201204781

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.

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of David Whyte sworn 30 November 2017.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 30 MINUTES.

Signed: 

Description: Solicitors for the applicant court appointed receiver

Dated: 30 November 2017

This application is to be served on:

Blair Pleash and Richard Albarran, liquidators of Equititrust Limited (In Liquidation)  
(Receivers and Managers Appointed)

c/- Thomson Geer Lawyers  
Level 25, 1 O'Connell Street  
SYDNEY NSW 2000  
Fax: (02) 8248 5899  
[phegarty@tglaw.com.au](mailto:phegarty@tglaw.com.au)

William Colwell and Greg Moloney, receivers and managers of Equititrust Limited (In Liquidation) (Receivers and Managers Appointed)

c/- Ferrier Hodgson  
Level 7, 145 Eagle Street  
BRISBANE QLD 4000

ASIC

Level 20, Commonwealth Bank Building  
240 Queen Street  
BRISBANE QLD 4000  
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[Kelly.Rodgers@asic.gov.au](mailto:Kelly.Rodgers@asic.gov.au); [Hugh.Copley@asic.gov.au](mailto:Hugh.Copley@asic.gov.au)

Tucker SF Pty Ltd

c/- David Tucker, Tucker & Cowen Solicitors  
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The members of the Equititrust Income Fund