

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**

**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 2018 to 30 April 2020 be fixed in the amount of \$261,630.05 (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:

Filed in the Brisbane Registry on 13 May 2020.

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 12 May 2020.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 45 MINUTES.

Signed:

*Ciadens*

Description: Solicitors for the applicant court appointed receiver

Dated: 13 May 2020

This application is to be served on:

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

c/- Hegarty Legal  
Suite 1303, 383 Kent Street  
SYDNEY NSW 2000  
Fax: (02) 8248 5899  
[peterh@hegartylegal.com.au](mailto:peterh@hegartylegal.com.au)

William Colwell, receiver and manager of Equititrust Limited (In Liquidation) (Receivers and Managers Appointed)

c/- KPMG  
Level 16, Riparian Plaza  
71 Eagle Street  
BRISBANE QLD 4000

Australian Securities and Investments Commission

Level 20, Commonwealth Bank Building  
240 Queen Street  
BRISBANE QLD 4000

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The members of the Equititrust Income Fund