

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:

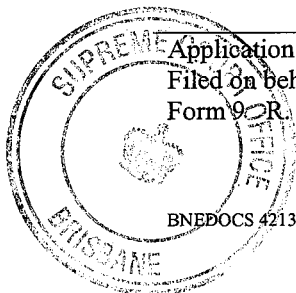
1. That the amount that Mr Whyte is entitled to claim as remuneration in respect of time spent by him and by any servants or agents of BDO who have performed work in the winding up of the EIF and the receivership of the EIF for the period 22 November 2011 to 31 August 2012 be fixed in the amount of \$841,000.60 (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: 25.10.12.

Filed in the Brisbane Registry on 21.9.12.:

Registrar: *hll*



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Level 11, 111 Eagle Street
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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 19 September 2012.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 1 Hour.

Signed: *Cadens Lawyers*
Description: Solicitors for the applicant court appointed receiver
Dated: 21 / 09 / 2012

This application is to be served on:

Blair Pleash, Richard Albarran and Glen Oldham, liquidators of Equititrust Limited (In Liquidation) (Receivers and Managers Appointed)
c/- Thomsons Lawyers
Level 25, 1 O'Connell Street
SYDNEY NSW 2000
Fax: (02) 8248 5899
phegarty@thomsonslawyers.com.au

William Colwell and Greg Moloney, receivers and managers of Equititrust Limited (Administrators Appointed) (Receivers and Managers Appointed)
c/- Mallesons Stephen Jaques
Level 30, Waterfront Place
1 Eagle Street
BRISBANE QLD 4000
Fax: (07) 3244 8999
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ASIC
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Certain members of the EIF
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Tucker SF Pty Ltd
c/- David Tucker, Tucker & Cowen Solicitors
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The members of the Equititrust Income Fund