

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane

NUMBER: 8792/13

Plaintiff: **KORDAMENTHA PTY LTD (ACN 100 169 391) AS
TRUSTEE FOR THE LM MANAGED PERFORMANCE
FUND**

AND

First Defendant: **LM INVESTMENT MANAGEMENT LIMITED
(RECEIVERS AND MANAGERS APPOINTED) (IN
LIQUIDATION)
ACN 077 208 461**

AND

Second Defendant: **THE TRUST COMPANY (PTAL) LIMITED
ACN 008 412 913**

APPLICATION

TAKE NOTICE that KordaMentha Pty Ltd (ACN 100 169 391) as trustee of the LM Managed Performance Fund ("Applicant") is applying to the Court for the following orders:

1. A direction pursuant to section 96 of the *Trusts Act 1973* (Qld), as to whether the Applicant would be justified in settling this proceeding against the first defendant and the second defendant on the terms set out in a draft deed of settlement to be provided on a confidential basis to the Court.
2. That the Applicant's costs and expenses of and incidental to this application be paid on the indemnity basis out of the LM Managed Performance Fund.
3. Such further or other orders as to this Honourable Court may see appropriate.

APPLICATION

Filed on behalf of the Applicant

MINTER ELLISON

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Reference NYB DOB 40-7744031

Form 9 Rules 31

ME 126067568_1 (W2003x)



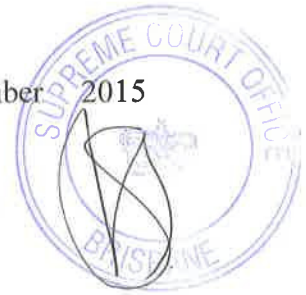
This application will be heard by the Court at Brisbane

on: ~~Monday~~, 24 November 2015 at 10:00 am.

Filed in the Brisbane Registry on:

10 November 2015

Registrar



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 and documents:

1. Statement of Facts pursuant to section 96(1) of the *Trusts Act* 1973 (Qld) to be filed.
2. Affidavit of Jarrod Villani to be sworn and filed.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED ONE HOUR

Signed:

Mint Ellison

Description:

MINTER ELLISON
Solicitors for the Applicant

Dated:

10 November 2015

This application is not intended to be served on the defendants.