

**Notice to the Creditors**

of

**Equititrust Limited  
(Receiver Appointed) (In Liquidation)  
(Receivers and Managers Appointed)  
ACN 061 383 944  
("Company")**

and

**Notice to the unitholders of the Equititrust Income Fund ("EIF")**

Take Notice that at 10:15am on 21 September 2017 the Federal Court of Australia, at Law Courts Building, Queens Square, Sydney, will hear an amended interlocutory application dated 21 July 2017 ("**Application**") by the Company (in its capacity as responsible entity of the EIF), and Mr Blair Pleash and Mr Richard Albarran ("**Liquidators**") in their capacity as joint and several Liquidators of the Company.

In the Application:

1. The Company seeks a direction, pursuant to sections 59 and 96 of the *Trusts Act 1973* (Qld), that:
  - a. the interests of Equititrust Ltd in its capacity as responsible entity of the Equititrust Income Fund as applicant in proceeding NSD2028/2013 (**EIF Proceeding**) be represented by Blair Alexander Pleash and Richard Albarran as the liquidators of Equititrust Ltd;
  - b. the interests of Equititrust Ltd in its own capacity as a respondent in this proceeding be represented by Liberty Mutual Insurance Company ABN 61 086 083 605 (**Liberty**), which shall be responsible for Equititrust Ltd's conduct of the EIF Proceeding; and
  - c. any document in relation to the EIF Proceeding that may or must be served on Equititrust Ltd in its own capacity as a respondent in the EIF Proceeding may be served on that firm of lawyers appointed to act to defend the interests of Equititrust Ltd in the EIF Proceeding, such firm to be notified to the Applicant's lawyers by Liberty within 14 days.
2. The Company seeks a direction, pursuant to section 96 of the *Trusts Act 1973* (Qld) and section 11(1)(c) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cth) that it is not necessary to serve this Interlocutory application on the unitholders of the Equititrust Income Fund.

**SYDNEY**

Level 40  
2 Park Street  
Sydney NSW 2000  
Australia  
Ph: (612) 9263 2600  
Fx: (612) 9263 2800

**NEWCASTLE**

Ph: (612) 4969 5521  
Fx: (612) 4969 6059

**PARRAMATTA**

Ph: (612) 9687 2100  
Fx: (612) 9687 2900

**PENRITH**

Ph: (612) 4721 8144  
Fx: (612) 9263 2800

**MELBOURNE**

Ph: (613) 8678 1600  
Fx: (613) 8678 1699

**BRISBANE**

Ph: (617) 3211 1250  
Fx: (617) 3211 1249

**GOLD COAST**

Ph: (617) 5538 2322  
Fx: (617) 5526 8599

**PERTH**

Ph: (618) 6557 6200  
Fx: (618) 9218 8950

**DARWIN**

Ph: (618) 8943 0645  
Fx: (618) 8943 0654

A Member of PrimeGlobal  
An Association of Independent  
Accounting Firms

 PrimeGlobal

3. Mr Albarran and Mr Pleash seek:

- a. A determination pursuant to section 511 of the *Corporations Act 2001* (Cth) that Mr Albarran and Mr Pleash have the power, pursuant to s 506 of the *Corporations Act 2001* (Cth), to permit Liberty to appoint lawyers to defend the interests of Equititrust Ltd in its own capacity as a respondent in this proceeding and give instructions to those lawyers.
  - b. An order pursuant to section 511 of the *Corporations Act 2001* (Cth) that Mr Albarran and Mr Pleash would be justified in permitting Liberty to appoint lawyers to defend the interests of Equititrust Ltd in its own capacity as a respondent in this proceeding and give instructions to those lawyers.
4. The Company and the Liquidators will also seek confidentiality orders in respect of the confidential exhibit to the affidavit of Blair Pleash sworn 29 May 2017 and in respect of other documents if appropriate.

Insofar as the Application seeks relief under s 511 of the Corporations Act, please note that Creditors do not ordinarily have a right to be heard in such applications: see *Onefone Australia Pty Ltd v One.Tel Ltd* [2010] NSWSC 498; *Deloughery v Weston* [2010] NSWCA 148.

Dated this 28<sup>th</sup> day of July 2017,



Blair Pleash  
Liquidator