

**Duplicate**

**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**

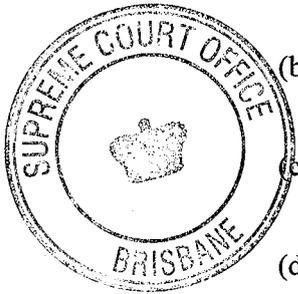
**Respondents: THE MEMBERS OF THE EQUITITRUST INCOME FUND ARSN 089 079 854 AND THE MEMBERS OF THE EQUITITRUST PRIORITY CLASS INCOME FUND ARSN 089 079 729**

**ORDER**

**Before: Justice Philippides**  
**Date: 11 October 2012**  
**Initiating Document: Application filed 21 September 2012**

**THE ORDER OF THE COURT IS THAT:**

1. Leave is granted to amend the interlocutory application filed by the court appointed receiver, David Whyte, on 21 September 2012;
2. That notice of the substantive application filed by Mr Whyte dated 21 September 2012 (**the application**) be effected on the members of the Equititrust Income Fund ARSN 089 079 854 (**EIF**) by:
  - (a) placing an advertisement of the application in The Australian, The Courier Mail and the Gold Coast Bulletin newspapers;
  - (b) posting a notice of the application in a prominent location on the Equititrust Limited website of [www.equititrust.com.au](http://www.equititrust.com.au);
  - (c) posting a notice of the application in a prominent location on the Equititrust Income Fund website of [www.equititrustincomefund.com.au](http://www.equititrustincomefund.com.au); and
  - (d) sending a notice by ordinary post to all members at their last known address,
3. That the form of the advertisement and respective notices be in substantially the same form as the notice set-out in "Annexure A" to the application and this Order;
4. That service of the application and supporting affidavit of David Whyte dated 19 September 2012 be deemed effected on each of the members of the Equititrust Income Fund five (5) days after those documents are made available in PDF on the websites of "[www.equititrust.com.au](http://www.equititrust.com.au)" and "[www.equititrustincomefund.com.au](http://www.equititrustincomefund.com.au)".



Order  
Filed on behalf of the court appointed receiver  
Form 59 R. 661

GADENS LAWYERS  
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BRISBANE QLD 4000  
Tel No.: 07 3231 1666  
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SZC:JSK:201204781

5. That service of any further documents to be relied upon by the court appointed receiver in respect of the application and any Order made in respect of the application be deemed effected on each of the members of the Equitrust Income Fund five (5) days after those documents are made available in PDF on the websites of "www.equitrust.com.au" and "www.equitrustincomefund.com.au".
6. Costs reserved.

Signed:

A handwritten signature in black ink, consisting of several overlapping loops and a long vertical stroke at the top.

**ANNEXURE A**

**TO THE MEMBERS OF:**

**EQUITITRUST INCOME FUND ARSN 089 079 854 ("EIF")**

TAKE NOTICE that David Whyte, the court appointed receiver of the EIF, has applied to the Supreme Court of Queensland for an order 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).

This application is set down to be heard by the Supreme Court at Brisbane on 25 October 2012 at 10am.

Copies of the court documents in respect of this application will be available on the Equititrust Limited website of "[www.equititrust.com.au](http://www.equititrust.com.au)" and the Equititrust Income Fund website of "[www.equitrustincomefund.com.au](http://www.equitrustincomefund.com.au)".

Dated: 2012