

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/03/2018 11:01:49 AM AWST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
File Number:	WAD103/2018
File Title:	IN THE MATTER OF SANDALWOOD PROPERTIES LTD (ADMINISTRAROTS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 093 330 977
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Case Management Hearing
Time and date for hearing:	28/03/2018, 9:15 AM
Place:	Court 3, Level 7, Peter Durack Commonwealth Law Courts Building Level 6, 1 Victoria Avenue, Perth



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 27/03/2018 11:15:22 AM AWST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Amended Originating process

(rules 2.2 and 15A.3)

WAD 103 of 2018

Federal Court of Australia
District Registry: Western Australia
Division: General

IN THE MATTER OF SANDALWOOD PROPERTIES LTD (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED)

ACN 093 330 977

Jason Preston, Shaun Robert Fraser and Robert Conry Brauer as receivers and managers of Sandalwood Properties Ltd (Administrators Appointed) (Receivers and Managers Appointed) (ACN 093 330 977)

Plaintiffs

A. DETAILS OF APPLICATION

This application is made under section 424 of the *Corporations Act 2001* (Cth) for directions from the Court in relation to matters arising from the exercise of the plaintiffs' power and functions as receivers and managers of Sandalwood Properties Ltd (Administrators Appointed) (Receivers and Managers Appointed) ACN 093 330 977 (**SPL**).

On the facts stated in the supporting affidavit of Shaun Robert Fraser affirmed on 22 March 2018, the Plaintiffs seek:

TFS Sandalwood Project 2002 (ARSN 099 022 170) (**2002 Project**)

With respect to the Lease and Management Agreement for the 2002 Project dated 4 June 2002 (**2002 LMA**):

Filed on behalf of: Jason Preston, Shaun Robert Fraser and Robert Conry Brauer as receivers and managers of Sandalwood Properties Ltd (Administrators Appointed) (Receivers and Managers Appointed), the plaintiffs

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jmhp A0142064867v8 120741396



1. A direction that the Plaintiffs may ignore the ~~treat as having no legal effect a notice~~ executed by Graeme Eric Scott dated 12 February 2018 which purports to terminate the appointment of SPL as Manager under the 2002 LMA.
2. A direction that the Plaintiffs may ignore the ~~treat as having no legal effect a~~ purported resolution of Growers appointing the Sandalwood Growers Co-Op Ltd as the new Manager on 12 March 2018.
3. A direction that the Plaintiffs cause SPL to continue to perform the role of Manager and provide the Services the subject of the 2002 LMA.

The TFS Sandalwood Project 2003 (ARSN 104 124 414) (2003 Project)

With respect to the Lease and Management Agreement for the 2003 Project dated 23 June 2003 (**2003 LMA**):

4. A direction that the Plaintiffs may ignore the ~~treat as having no legal effect a~~ notice executed by Graeme Eric Scott dated 12 February 2018 which purports to terminate the appointment of SPL as Manager under the 2003 LMA.
5. A direction that the Plaintiffs may ignore the ~~treat as having no legal effect a~~ purported resolution of Growers appointing the Sandalwood Growers Co-Op Ltd as the new Manager on 12 March 2018.
6. A direction that the Plaintiffs cause SPL to continue to perform the role of Manager and to provide the Services the subject of the 2003 LMA.

Costs

7. An order that the costs of this application are costs properly incurred in the Plaintiffs' conduct of the receivership.

Date: ~~22~~ 27 March 2018

A handwritten signature in black ink, appearing to read 'C Blaxill'.

Signature of Charles Philip Blaxill
Plaintiff's legal practitioner

This application will be heard by the Federal Court of Australia at Commonwealth Law Courts, 1 Victoria Avenue, Perth, Western Australia at _____ am/pm on _____.

B. NOTICE TO DEFENDANT (IF ANY)

N/A

**C. FILING**

Date of filing:

Signed by an officer acting with the
authority of the District Registrar

This originating process is filed by Charles Philip Blaxill, Allens for the plaintiffs.

D. SERVICE

The plaintiff's address for service is:

Allens Level 37, QV.1, 250 St Georges Terrace, Perth, Western Australia 6000

Email: Philip.Blaxill@allens.com.au

It is intended to provide a copy of this originating process to each person listed below:

Each of the Growers in the 2002 Project

Each of the Growers in the 2003 Project

Sandalwood Growers Co-Op Ltd