

NOTICE FROM
SANDALWOOD PROPERTIES LTD (RECEIVERS AND MANAGERS APPOINTED)
(ADMINISTRATORS APPOINTED) (ACN 093 330 977)
TO EX-SCHEME INVESTORS

Overview

1. We refer to the Interlocutory Process for Declaratory Relief and for Directions (the **Interlocutory Process**) filed on 21 August 2024 by the plaintiffs pursuant to the *Corporations Act 2001* (Cth) in the Supreme Court of Western Australia Proceeding No. COR 62 of 2024 (the **Proceeding**).
2. On 19 September 2024, the plaintiffs applied to the Court for further orders, which among other things, were sought so as to amend the procedural orders made by the Court on 27 August 2024. The application was made in circumstances where it had become apparent that a number of ex-Scheme Investors are outside of Western Australia but within Australia, and others are outside of Australia.
3. After hearing counsel for the plaintiffs on 19 September 2024 the Court made orders on 20 September 2024 which among other things, amended the orders made on 27 August 2024.
4. A copy of the orders of the Honourable Justice Strk made on [20 September 2024](#) and those made on [27 August 2024](#) (collectively, the **Orders**) can found at this link: www.sandalwoodproperties.com.au. It is important that you read the Orders.
5. Set out below is an overview of the orders made on 20 September 2024.

Procedural Orders

6. It was ordered that, to the extent required, any irregularity in the issue of the Interlocutory Process for service outside Australia was cured *nunc pro tunc* pursuant to Order 2, rule 1(2) of the *Rules of the Supreme Court of Western Australia 1971* (WA) (**RSC**).

7. It was ordered that each person who had been described as a defendant in the Interlocutory Process and each person and entity listed in the schedule to the Interlocutory Process titled "MIS Investors" was joined as defendants to this proceeding.
8. It was ordered that the Programming Orders made on 27 August 2024 were amended by adding the underlined and italicised text below such that each amended Programming Order now reads as follows:
 - (a) **Programming Order 1(a)** – "In accordance with the Supreme Court (Corporations) (WA) Rules 2004 (WA) rule 2.7, the plaintiffs have leave to serve a copy of the interlocutory process filed on 21 August 2024 (the **Interlocutory Process**) and the affidavits made by Daniel Woodhouse on 15 April 2024, 5 July 2024, 21 August 2024 and a further affidavit to be made by Mr Woodhouse by 4:00pm on Wednesday, 28 August 2024 (collectively the **Supporting Affidavits**, respectively) and the Programming Orders (collectively the Court Papers) on each defendant based in Western Australia or interstate, on the Quintis Group Companies, on the Sandalwood Growers' Co-op and on Indian Sandalwood Farming (being organisations which purport to represent one or more of the defendants) by 4:00pm (AWST) Friday, 30 August 2024."
 - (b) **Programming Order 1(b)(i)** – "Service of the Interlocutory Process and the Supporting Affidavits be effected by:
 - (i) sending by email (or absent an email address, by post) a copy of the Interlocutory Process and the Supporting Affidavits to the defendants based in Western Australia or interstate, and to the Sandalwood Growers' Co-op and to Indian Sandalwood Farming;"
 - (c) **Programming Order 3** – "Any defendant based interstate or in Western Australia or any person with an interest in the application for substantive orders (see pt A of the Interlocutory Process) who wishes to be heard in this application must file an appearance by 4:00pm (AWST) on Friday, 20 September 2024."
 - (d) **Programming Order 4** – "Any defendant based in Western Australia or interstate or any person with an interest in the application for substantive orders (see pt A of the Interlocutory Process) who has filed an appearance shall file and serve any affidavit evidence upon which they intend to rely by 4:00pm (AWST) on Friday, 27 September 2024."

(e) **Programming Order 6** – "Any defendant based in Western Australia or interstate or any person with an interest in the application for substantive orders (see pt A of the Interlocutory Process) who has filed an appearance must file written submissions upon which they intend to rely by 4:00pm (AWST) on Friday, 11 October 2024."

9. It was ordered that pursuant to Order 10, rule 11 of the RSC, the plaintiffs have leave *nunc pro tunc* to serve the Court Papers on each defendant who is outside of Australia.
10. It was ordered that pursuant to Order 72, rule 4 of the RSC, the plaintiffs have leave to effect substituted service of the Court Papers on any defendant outside of Australia by effecting service by email (or absent an effective email address, by post). It was also ordered that the order was to have effect *nunc pro tunc*, so that service of the Court Papers on any defendant outside Australia before the making of the orders on 20 September 2024 would be effective service.
11. It was ordered that any defendant outside of Australia who wishes to be heard in this application must file an appearance and serve any affidavit evidence and written submissions upon which they intend to rely by **4:00pm (AWST) on Friday 11 October 2024**.
12. Further, it was ordered that by 4:00pm (AWST) on Monday 23 September 2024, the plaintiffs are to give notice of the Orders to all defendants, to the administrators and liquidators appointed to each of the Quintis Group Companies, to the Sandalwood Growers' Co-op and to Indian Sandalwood Farming by:
 - (i) email or post (where email addresses are not available); and
 - (ii) posting them (if they have not already been posted) on the website maintained by Sandalwood Properties Ltd at www.sandalwoodproperties.com.au, and on any website maintained by FTI Consulting (Australia) relating to the Quintis Group Companies, which post is to be maintained on the website (or websites) until the determination of the application for substantive orders (see pt A of the Interlocutory Process).
13. It was ordered that the parties and any other interested parties have liberty to apply on two (2) business days' notice.
14. Finally, as to the costs of the hearing on 19 September 2024, it was ordered that they be costs in the cause of the application.

Next Steps

1. It is highly recommended that from the date of this notice onwards you regularly review the website maintained by Sandalwood Properties Ltd at www.sandalwoodproperties.com.au, as the plaintiffs may upload additional relevant documents to it (including any orders made by the Supreme Court of Western Australia).
2. If you have any concerns, objections or questions relating to the Proceeding, or if you require copies of the papers filed with the Supreme Court, please contact the Receivers as soon as possible by calling (08) 6458 4700 or by emailing projects@sandalwoodproperties.com.au. Papers requested will be provided within one (1) business day. Any emails that ex-Scheme Investors send to the Receivers will be brought to the attention of the Supreme Court of Western Australia in the Proceeding.
3. You can also instruct a barrister or lawyer to appear on your behalf in the Proceeding. If you propose to take that step, please provide a copy of your correspondence and/or notice of appearance to the Receivers and to the Supreme Court of Western Australia by no later than **4:00pm (AWST) on Friday 11 October 2024**. If you do not enter an appearance by the deadline referred to above, the Supreme Court of Western Australia may determine that you are not entitled to be heard at any subsequent hearing(s) in the Proceeding, and/or orders may be made in your absence that may affect rights or interests that you may hold.