

IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 35 OF 2010

IN THE MATTER OF GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405)
(IN LIQUIDATION)

EX PARTE

**GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION) IN
ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT SCHEMES LISTED
IN SCHEDULE 1**

First Plaintiff

GREAT SOUTHERN OLIVES COMPANY LIMITED (ACN 121 381 208) (IN LIQUIDATION)

Second Plaintiff

GREAT SOUTHERN OLIVE HOLDINGS PTY LIMITED (ACN 111 092 374) (IN LIQUIDATION)

Third Plaintiff

ANDREW JOHN SAKER

Fourth Plaintiff

MARTIN BRUCE JONES

Fifth Plaintiff

DARREN GORDON WEAVER

Sixth Plaintiff

JAMES HENRY STEWART

Seventh Plaintiff

JAMES THACKRAY

First Defendant

TONY MCGRATH

Second Defendant

COLIN NICOL

Third Defendant

THE GROWERS LISTED IN SCHEDULE 8 OF THE AMENDED ORIGINATING PROCESS

Fourth Defendants

AFFIDAVIT OF CELIA JANE ARMSTRONG

Date of document:
Filed on behalf of:
Prepared by:
Clarendon Lawyers
Level 17, Rialto North Tower
525 Collins Street
MELBOURNE VIC 3000

11 June 2010
Fourth Defendants

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I, **CELIA JANE ARMSTRONG** of Level 17, Rialto North Tower, 525 Collins Street, Melbourne, make oath and say that:

1. I am a solicitor in the sole employ of Clarendon Lawyers Pty Ltd (**Clarendon Lawyers**) who are solicitors for a number of the growers listed as fourth defendants to this proceeding and I am duly authorised to make this affidavit.
2. Subject to the supervision of my principal, Michael Joseph Fernon, I have day to day conduct of this matter.
3. Except where I state otherwise I make this affidavit from my own knowledge. Where I depose to matters arising from information and belief, I believe those matters to be true.
4. On or about 14 May 2010 I was informed by Antony Munro, director of KordaMentha the liquidators appointed to various Timbercorp companies, that the proceedings in relation to the balance of the Timbercorp olive assets (referred to commonly as the Boort olive assets) and almond assets (referred to commonly as the TPIF almond assets), were not likely be commenced until the result of the Almond Land Almond Apportionment proceedings was known.
5. On or about 11 June 2010 I was informed by Matthew Whittle of Allens Arthur Robinson, solicitors for ANZ (secured creditor of the relevant Timbercorp subsidiary), that the proceedings in relation to the balance of the Timbercorp almond assets (referred to commonly as the TPIF almond assets) will be commenced by his client soon. Mr Whittle also informed me that he expected the proceedings, once commenced, to be put on hold pending the determination of the Court in Victorian Supreme Court Proceedings S CI 2009 10699.

SWORN by the said **CELIA JANE ARMSTRONG**
at Melbourne in the State of Victoria
this 11th day of June 2010

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Before me: 

EMILY SUZANNE STOTHERS
of Clarendon Lawyers Pty Ltd
Level 17, Rialto North Tower
525 Collins St, Melbourne Victoria 3000
an Australian Legal Practitioner within the
meaning of the *Legal Profession Act 2004*