



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD741/2024

**TRILOGY FUNDS MANAGEMENT LIMITED ACN 080 383 679 IN ITS CAPACITY  
AS RESPONSIBLE ENTITY OF LM WHOLESALE FIRST MORTGAGE INCOME  
FUND ARSN 099 857 511**

Plaintiff

### ORDER

**JUDGE:** Justice Downes

**DATE OF ORDER:** 20 December 2024

**WHERE MADE:** Sydney

#### THE COURT DIRECTS THAT:

1. Pursuant to section 601NF of the *Corporations Act 2001* (Cth) and section 96 of the *Trusts Act 1973* (Qld):
  - (a) The plaintiff may determine that all sums recorded as unpaid commissions in respect of the LM Wholesale First Mortgage Income Fund ARSN 099 857 511 (**the Fund**) as identified in the affidavit of Ryan filed in this proceeding on 9 December 2024 (**the Unpaid Commission Amounts**) are Scheme Property as defined in the Replacement Constitution for the Fund dated 10 April 2008; and
  - (b) The plaintiff may determine that the Unpaid Commission Amounts be distributed amongst members of the Fund;
  - (c) The plaintiff is justified in making distributions in accordance with this order.



**THE COURT ORDERS THAT:**

2. The plaintiff be indemnified out of the assets of the Fund for its costs of this application.

Date orders authenticated: 20 December 2024

*Sia Lagos*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.