

**IN THE SUPREME COURT OF VICTORIA  
COMMERCIAL COURT  
COMMERCIAL LIST – GARDE J**

**LAKE EILDON COUNTRY CLUB LTD (ACN 005 642 937)**

Plaintiff

- and -

**MARCHELLEEN PTY LTD (ACN 005 104 478) & Ors**

Defendants

**ORDER**

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**JUDGE:** The Honourable Justice Garde

**DATE MADE:** 23 September 2025

**ORIGINATING PROCESS:** Transfer to the Supreme Court of Victoria pursuant to s 77(3) of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) and s 234E of the *Property Law Act 1958* (Vic)

**HOW OBTAINED:** Directions hearing

**ATTENDANCE:** Mr P Annabell of Counsel for the plaintiff.

**OTHER MATTERS:** A. This order is signed by a Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) ('Rules')

**THE COURT ORDERS THAT:**

1. The plaintiff is to file any affidavits and submissions on which it relies by 4.00pm on 15 October 2025.
2. The following material is to be uploaded and maintained on the Supreme Court website designated for the proceeding:
  - a) the VCAT application dated 15 November 2024;
  - b) the VCAT order dated 2 April 2025;
  - c) all affidavit material;
  - d) all correspondence sent by order of the Court;
  - e) any proposed final orders;
  - f) all written submissions; and
  - g) all orders of this Courttogether ('*the documents*').

**Substituted Service**

3. Following compliance with paragraphs 1 and 2 above, pursuant to r 6.10 of the



*Rules*, service of the proceeding will be taken to have been effected on the defendants upon the following occurring:

- a) where the plaintiff holds an email address for a defendant, by emailing a copy of a letter generally in the form provided to the Court by email on 19 September 2025 (*'letter'*) to that defendant's email address held by the plaintiff;
  - b) where the plaintiff does not hold an email address for a defendant or a defendant has notified the plaintiff that it cannot or does not wish to receive notices from the plaintiff via email, by posting a copy of the letter by ordinary prepaid post to that defendant at the defendant's last known street or postal address held by the plaintiff or as provided to the plaintiff by the Registrar of Titles;
  - c) where the defendant is a deregistered corporation, by posting a copy of the Letter by ordinary prepaid post to the Australian Securities and Investments Commission; and
  - d) by causing a copy of the notice generally in the form provided to the Court by email on 19 September 2025 (*'notice'*) to be published and maintained on:
    - i) the notice board maintained by the plaintiff at 50 Banumum Road, Mansfield, Victoria 3722; and
    - ii) the website maintained by the plaintiff and the Manager of the Mansfield Country Resort at the website address <https://classicholidays.com.au/resort/mansfield-country-resort>.
4. Pursuant to r 6.10 of the *Rules*, service of any documents in the proceeding will be taken to have been effected by uploading the document to the Supreme Court website designated for the proceeding.

### **Notices of Appearance**

5. Pursuant to r 2.04 of the *Rules*, the requirement for the defendants to file notice of appearance pursuant to r 8.05 of the *Rules* is dispensed with.

### **Joinder of ASIC and Registrar of Titles**

6. Pursuant to r 9.06 of the *Rules*, the following parties are joined as defendants to the proceeding:
- a) the Australian Securities and Investments Commission; and
  - b) the Registrar of Titles
- together (*'the additional defendants'*).
7. The plaintiff serve the documents on the additional defendants.

### **Other**

8. The proceeding is listed for further directions at 10.30am on 12 December 2025.
9. Costs reserved.
10. Liberty to apply.



**DATE AUTHENTICATED:** 23 September 2025



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The Honourable Justice Garde

