## SECURITIES AND EXCHANGE COMMISSION

# FORM 6-K

Current report of foreign issuer pursuant to Rules 13a-16 and 15d-16 Amendments

Filing Date: **2013-05-16** | Period of Report: **2013-05-07** SEC Accession No. 0001176256-13-000321

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## **FILER**

### Kimber Resources Inc.

CIK:1294662| IRS No.: 000000000 | State of Incorp.:A1 | Fiscal Year End: 0630 Type: 6-K | Act: 34 | File No.: 001-32712 | Film No.: 13849315

SIC: 1400 Mining & quarrying of nonmetallic minerals (no fuels)

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#### OMB APPROVAL

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### **UNITED STATES**

#### SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

## FORM 6-K

REPORT OF FOREIGN PRIVATE ISSUER PURSUANT TO RULE 13a-16 OR 15d-16 UNDER THE SECURITIES EXCHANGE ACT OF 1934

For the month of May, 2013 Commission File Number 001-32712

## KIMBER RESOURCES INC.

(Translation of registrant's name into English)
Suite 215 - 800 West Pender St. Vancouver, British Columbia V6C 2V6 Canada

(Address of principal executive office)

Indicate by check mark whether the registrant files or will file annual reports under cover of Form 20-F or Form 40-F.

Form 20-F [ X ] Form 40-F [ ]

Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b)(1): [ ]

Note: Regulation S-T Rule 101(b)(1) only permits the submission in paper of a Form 6-K if submitted solely to provide an attached annual report to security holders.

Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b)(7): [ ]

Note: Regulation S-T Rule 101(b)(7) only permits the submission in paper of a Form 6-K if submitted to furnish a report or other document that the registrant foreign private issuer must furnish and make public under the laws of the jurisdiction in which the registrant is incorporated, domiciled or legally organized (the registrant's "home country"), or under the rules of the home country exchange on which the registrant's securities are traded, as long as the report or other document is not a press release, is not required to be and has not been distributed to the registrant's security holders, and, if discussing a material event, has already been the subject of a Form 6-K submission or other Commission filing on EDGAR.

Indicate by check mark whether the registrant by furnishing the information contained in this Form is also thereby furnishing the information to the Commission pursuant to Rule 12g3-2(b) under the Securities Exchange Act of 1934.

Yes [ ] No [ X ]

If "Yes" is marked, indicate below the file number assigned to the registrant in connection with Rule 12g3-2(b): 82-\_\_\_\_\_

## **Exhibit**

99.1 News Release dated May 7, 2013

### **SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

<u>Kimber Resources Inc.</u> (Registrant)

**Date:** May 14, 2013 By: /s/ Gordon Cummings

Name:Gordon Cummings Title: President & CEO

SEC 1815 (04-09)

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## NEWS RELEASE

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# KIMBER RECEIVES NOTIFICATION LETTER FROM THE NYSE MKT REGARDING ITS STOCK PRICE May 7, 2013

Vancouver, British Columbia - Kimber Resources Inc. (NYSE MKT:KBX, TSX:KBR) (the "Company" or "Kimber") announced today that it has received a letter from the NYSE MKT LLC (the "NYSE MKT") notifying the Company that if it does not adequately address the low selling price of the Company's stock through a reverse stock split or otherwise raise the stock price to the satisfaction of the staff of the NYSE MKT within a reasonable amount of time, the Company will not satisfy the continued listing standards of the NYSE MKT set forth in Section 1003(f)(v) of the NYSE MKT LLC Company Guide and will be subject to continued listing review by the staff of the NYSE MKT under Section 1009 of the NYSE MKT LLC Company Guide. The Company has not yet determined what action, if any, it will take in response to this letter.

During the past two years, Kimber's management has identified repeated instances of unusual trading activity in Kimber's securities which management believes may involve naked short selling of the Company's common stock on the NYSE MKT and part of a market manipulation scheme. The Company has seen high volume selling at the beginning or end of the day on repeated occasions though regulatory filings from the Company's significant shareholders have not shown substantial changes in their ownership of Kimber's common stock over the two year period. In addition, SEC Rule 201 has been triggered 29 times since March 2011 with the rule often being in effect for multiple days at time. These periods include a large number of trading days in March and April 2013 (more complete details of the rule 201 trigger dates are shown in Appendix 1). Kimber has alerted the NYSE MKT, FINRA, IIROC, the British Columbia Securities Commission and the Securities and Exchange Commission (the "Regulatory Authorities") on several occasions to this continued unusual selling.

"Kimber is aware that 2012 and 2013 to date have been very challenging periods for the junior resource market generally," stated James Puplava, Chairman of Kimber Resources. "However, we believe that the unusual trading of Kimber on NYSE MKT has contributed to the decline in the company's share price during these difficult market conditions."

Kimber is a dual listed company with its common shares trading on both the NYSE MKT and the TSX. Kimber's listing status on the TSX is not affected by any action taken in relation to its NYSE MKT listing and all shares traded on the TSX and NYSE MKT are readily transferable between exchanges.

SEC Rule 201 acts as a circuit breaker. If an individual security declines intra-day by 10% or more from the prior day's closing price for that security as determined by the covered security's listing market, then Rule 201 applies the alternative uptick rule for the remainder of the day and the following day to the individual security. The alternative uptick rule permits short selling at a price above the current national best bid for that security. So when Rule 201 is triggered for a stock it means that the stock price has dropped by at least 10% triggering the short sale price restriction for the remainder of the day and the next day.

#### **About Kimber Resources**

Kimber owns mineral concessions covering in excess of 39,000 hectares in the prospective Sierra Madre gold-silver belt, including the Monterde property, where three gold-silver mineral resources have already been defined. The most advanced of these, the Carmen deposit, has been extensively drilled and has undergone detailed geologic modeling. The completion of the Updated Preliminary Economic Assessment for Monterde in



2011 represented a significant step forward for Kimber and supported further evaluation and more advanced economic studies at the Monterde deposits, with the 2012 Updated Mineral Resource Estimate Technical Report for the Carmen deposit representing a component of those activities.

#### FOR FURTHER INFORMATION PLEASE CONTACT:

Renee Brickner, BSc (Hons) Geol. Vice President, Investor Relations or

Gordon Cummings, CA President and CEO

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#### Forward looking statements

Statements contained herein that are not based upon current or historical fact are forward-looking in nature and constitute forward-looking statements within the meaning of Section 27A of the Securities Act of 1933 and Section 21E of the Securities Exchange Act of 1934. Such forward-looking statements reflect the Company's expectations about its future operating results, performance and opportunities that involve substantial risks and uncertainties. These statements include, but are not limited to, statements regarding the Company's belief that its low stock price is the result of naked short selling and/or an illegal market manipulation scheme designed to artificially cap the Company's stock price as well as the Company's belief that the Regulatory Authorities will, or have initiated an investigation of the unusual trading activity. When used herein, the words "anticipate," "believe," "estimate," "upcoming," "plan," "target", "intend" and "expect" and similar expressions, as they relate to Kimber Resources Inc., its subsidiaries, or its management, are intended to identify such forward-looking statements. These forward-looking statements are based on information currently available to the Company and are subject to a number of risks, uncertainties, and other factors that could cause the Company's actual results, performance, prospects, and opportunities to differ materially from those expressed in, or implied by, these forward-looking statements. Factors that could cause or contribute to such differences, including, but not limited to, risk factors discussed in our latest Annual Report on Form 20-F for the year ended September 30, 2012. Except as required by Federal Securities law, the Company does not undertake any obligation to release publicly any revisions to any forward-looking statements.

Neither the TSX Exchange nor its Regulation Services Provider (as that term is defined in the policies of the TSX Exchange) accepts responsibility for the adequacy or accuracy of this release.



#### Appendix 1

#### Kimber Resources Inc. (TSX:KBR, NYSE MKT: KBX)

#### SEC Rule 201 Trigger Dates from March 2011 to April 30, 2013

- 1) March/24/2011 to March/28/2011
- 2) April/12/2011 to April/14/2011
- 3) May/17/2011 to May/19/2011
- 4) June/6/2011 to June/8/2011
- 5) June/13/2011 to June/15/2011
- 6) August/4/2011 to August/8/2011
- 7) September/22/2011 to September/27/2011
- 8) October/3/2011 to October/5/2011
- 9) October/20/2011 to October/24/2011
- 10) November/21/2011 to November/23/2011
- 11) December/8/2011 to December/12/2011
- 12) December/28/2011 to December/30/2011
- 13) May/15/2012 to May/22/2012
- 14) June/5/2012 to June/7/2012
- 15) August/2/2012 to August/6/2012
- 16) September/14/2012 to September/24/2012
- 17) December/10/2012 to December/12/2012
- 18) December /14/2012 to December /18/2012
- 19) December /18/2012 to December /20/2012
- 20) February/5/2013 to February /7/2013
- 21) February /20/2013 to February /25/2013
- 22) March /7/2013 to March /12/2013
- 23) March /13/2013 to March /15/2013
- 24) March /21/2013 to March /25/2013
- 25) March/25/2013 to March/27/2013
- 26) April/3/2013 to April/5/2013
- 27) April/9/2013 to April/12/2013
  28) April/15/2013 to April/17/2013
- 29) April/23/2013 to April/25/2013