

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/07/2021 12:44:32 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD1220/2020
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v
MELISSA LOUISE CADDICK & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



Sia Lagos

Dated: 1/07/2021 12:45:44 PM AEST

Registrar

Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. NSD 1220 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and ANOR

Defendants

Affidavit of: **Martin Vu**
Address: Level 13, 189 Kent Street, Sydney NSW 2000
Occupation: Chartered Accountant
Date: 1 July 2021

I, **Martin Vu**, Chartered Accountant, of Level 13, 189 Kent Street, Sydney New South Wales 2000, say on oath:

1. I am a Chartered Accountant and a Principal of Jones Partners.
2. I refer to my Affidavit sworn on 23 June 2021 which annexes a Circular to Creditors issued by Jones Partners dated 10 March 2021. The Circular to Creditors annexed to the Affidavit is not a complete copy of what was sent to the creditors on 10 March 2021.
3. Annexed and marked as annexure "MV-1" is a complete copy of the following documents sent to creditors:
 - a. Circular to Creditors dated 10 March 2021;
 - b. Form 16 Notice of intention to apply for remuneration dated 10 March 2021;
 - c. Interlocutory Application filed on 2 March 2021.

JP 225293

[Handwritten signature]

[Handwritten signature]

Filed on behalf of (name & role of party)	Receivers/Provisional Liquidators Bruce Gleeson and Daniel Robert Soire	
Prepared by (name of person/lawyer)	Michael Hayter	
Law firm (if applicable)	Swaab Attorneys	
Tel 02 9233 5544	Fax	02 9233 5400
Email	mkh@swaab.com.au	
Address for service	Level 4, 20 Hunter Street, Sydney, NSW 2000	
(include state and postcode)		

Sworn by the deponent
At Sydney
In New South Wales
on 1 July 2021
Before me:

)
)
)
)
)



Signature of deponent




Signature of witness

And as a witness, I certify the following matters concerning the person who made this Affidavit (the "deponent"):

- 1. I saw the face of the deponent.
- 2. I have known the deponent for more than 12 months.

Identification document relied on (may be original or certified copy)



JP 225293
Renee Tague

Filed on behalf of (name & role of party) Receivers/Provisional Liquidators Bruce Gleeson and Daniel Robert Soire
Prepared by (name of person/lawyer) Michael Hayter
Law firm (if applicable) Swaab Attorneys
Tel 02 9233 5544 Fax 02 9233 5400
Email mkh@swaab.com.au
Address for service Level 4, 20 Hunter Street, Sydney, NSW 2000
(include state and postcode)

Federal Court of Australia
Direct Registry: New South Wales
Division: Commercial and Corporations

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and ANOR

Defendants

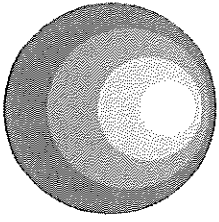
This is the annexure marked "MV-1" referred to in the affidavit of Martin Vu sworn on 1 July 2021

Before me:


Solicitor/Justice of the Peace

JP 225293

Renee Tague



Jones Partners
Insolvency & Business Recovery
Chartered Accountants

Our Ref: MALIVE01/210225/VD
Reply to: SYDNEY

10 March 2021

To Creditor / Investor
As Addressed

Circular To Creditors And Investors

Dear Sir/Madam,

Re: Maliver Pty Limited (In Provisional Liquidation)
ACN 164 334 918 ("the Company")
&
The Property of Melissa Louise Caddick
(Receivers Appointed)

We refer to our appointment as Joint and Several Provisional Liquidators of the Company on 15 December 2020 ("15 December Orders") pursuant to sealed Orders made in the Federal Court of Australia. Under the same Orders, we were also appointed Joint and Several Receivers of the Property of Melissa Louise Caddick. Ms Caddick is the sole director and shareholder of the Company.

We provide you with the following update regarding the status of the administrations under the following headings.

Reports to the Court

Pursuant to Orders 7 and 12 of the 15 December Orders, we provided Reports to the Court on 15 February 2021 regarding the financial affairs of the Company and Ms Caddick respectively.

On 22 February 2021 ("22 February Orders") the Court ordered that a copy of redacted Reports be provided to Investors that had invested money with the Company or Ms Caddick. The 22 February Orders also specified what parts of the Report were to be redacted. We understand that Investors have received redacted copies of the Report by a secure email from ASIC on 2 March 2021. If you have not received same, please contact Isabella Allen at ASIC via email Isabella.allen@asic.gov.au

Court Proceedings

Subsequent to the lodgement of our Reports to the Court on 15 February 2021, the Court made Orders and set down a timetable for a hearing date. Attached is a copy of the 22 February Orders. Specific dates have been set down for the Plaintiff, being the Australian Securities & Investments Commission ("ASIC") and the Defendants, being the Company and Ms Caddick, to file and serve documentation. This includes providing ASIC the opportunity to amend its application regarding the external administrations and relief sought against the Company and Ms Caddick. This may also involve proposed orders regarding the manner in which assets of the Company and Ms Caddick can

Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **Info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Business Recovery

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Solre** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

be realised. The hearing has been set down for 7 April 2021 with an estimate of one (1) to two (2) days.

Following the hearing, the Court will consider ASIC's application and any evidence submitted before it makes Orders concerning the financial affairs of the Company and Ms Caddick.

Remuneration Application

Pursuant to Order 9 of the Orders made on 15 December 2020, we were required to make an application to the Court for approval of our reasonable remuneration, costs and expenses ("Remuneration Application") and our payment out of the Property of the first defendant (being Ms Caddick) within 14 days following the provision of our Report referred to in Order 7.

Accordingly, we prepared and filed our Remuneration Application with the Court on 1 March 2021. A copy of the Form 16 and Interlocutory Process is attached to this Circular.

If you wish to be provided with a copy of the filed affidavit and evidence in support of the Remuneration Application, please contact our office urgently.

If you wish to object to our Remuneration Application, you should, within twenty-one (21) days after the date of this Circular, serve a notice of objection stating the grounds of objection to the remuneration claimed to our office. Subsequently, should you wish to appear in the Proceedings on 7 April 2021, you will be required to file a notice of appearance with the Court.

Next Steps

As mentioned above, there is a hearing set down for 7 April 2021.

We do **not** currently have the powers to realise Ms Caddick's property, only the power to secure the assets. Therefore we are unable to realise same until the Court makes Orders to enable us to do so.

Also as noted in Point 2 of our Circular to Creditors dated 23 December 2020, part of our role as Provisional Liquidators is to secure and preserve the assets / property of the Company and therefore, we are unable to realise same until the Court makes Orders to enable us to do so.

We will provide you with an update as to the outcome of the hearing on 7 April 2021 once further Orders are made by the Court.

Your Personal / SMSF Correspondence

We are aware that Investors had permitted certain documents such as bank statements, life insurance documents, etc to be sent directly to Ms Caddick at a PO Box in Watsons Bay, NSW. We suggest that you change the mailing address to your **personal** mailing address as soon as possible.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu of this office on (02) 9251 5222 or via email maliver@jonespartners.net.au.

Yours faithfully

**Maliver Pty Limited (In Provisional Liquidation) &
The Property of Melissa Louise Caddick (Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Provisional Liquidators and Receivers**

Form 16 Notice of intention to apply for remuneration

(rules 9.1, 9.2, 9.3, 9.4, 9.5)

No. NSD 1220 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: General

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and ANOR

First Defendant

TAKE NOTICE that, we, Bruce Gleeson and Daniel Robert Soire, of Jones Partners, Level 13, 189 Kent Street, Sydney in the State of New South Wales, the Receivers to the property of Melissa Louise Caddick, intend to apply to the Court to determine our remuneration.

If you object to our application, you must, within 21 days after being served with this notice, serve a notice of objection stating the grounds of objection to the remuneration claimed.

Date: 10 March 2020



Signature of Receivers

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/03/2021 4:30:57 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number: NSD1220/2020
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v
MELISSA LOUISE CADDICK & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA
Reason for Listing: Hearing
Time and date for hearing: 07/04/2021, 10:15 AM
Place: Please check Daily Court List for details



Dated: 2/03/2021 1:56:08 PM AEDT

A handwritten signature in black ink that reads 'Sia Lagos'.

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Form 35
Rule 17.01(1)



Interlocutory application

No. NSD 1220 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and ANOR

First Defendant

BRUCE GLEESON

First Applicant in Interlocutory Application

DANIEL ROBERT SOIRE

Second Applicant in Interlocutory Application

To: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

The Applicants on the Interlocutory Application, Bruce Gleeson and Daniel Robert Soire in their capacity as Receivers of the Property of the first defendant, apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing: 10.15am on 7 April 2021

Place: Federal Court of Australia, Level 17, Law Courts Building, Queens Square, Sydney NSW 2000

{SRS/S2122609:1}	BRUCE GLEESON & DANIEL ROBERT SOIRE, Receivers of the
Filed on behalf of (name & role of party)	Property of Melissa Louise Caddick
Prepared by (name of person/lawyer)	Michael Kevin Hayter
Law firm (if applicable)	Gillis Delaney Lawyers – Ref: 210237
Email	mkh@gdlaw.com.au
Address for service (include state and postcode)	Level 40, ANZ Tower, 161 Castlereagh Street, Sydney, NSW 2000

[Form approved 01/08/2011]



The Court ordered that the time for serving this application be abridged to

Date: 1 March 2021

Signed by an officer acting with the authority
of the District Registrar



Interlocutory orders sought

This application is made pursuant to Rule 14.24 of the *Federal Court Rules 2011*.

On the facts stated in the supporting Affidavits, the Applicants, Bruce Gleeson and Daniel Robert Soire, in their capacity as Receivers of the property of the Melissa Louise Caddick, the first defendant, seek the following orders:

1. An order that the remuneration, costs and expenses of the Applicants as Receivers of the Property of the first defendant for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$189,148.09 Inclusive of GST or such other amount as the Court deems fit and proper.
2. An order that the costs of this Interlocutory Application be paid out of the Property of the first defendant on an indemnity basis.
3. An order that the amount fixed in accordance with order 1 above including the costs the subject of order 2, be paid out of the Property of the first defendant in priority.
4. Pending determination of the Applicants' appointment as Receivers the Applicants' be authorised to continue paying those properly and continuing expenses described in annexure "A" herein.
5. Such further or other orders or directions as the Court may deem fit.

Service on the Respondent

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
c/- Level 5, 100 Market Street, Sydney, 2000

Date: 1 March 2021

A handwritten signature in black ink that reads 'Michael Hayter'.

Signed by Michael Kevin Hayter
Lawyer for the Applicants in the Interlocutory
Application

Annexure "A"



Summary of Future Costs

	Future (inc GST)	Description
<u>External Costs</u>		
Grace Storage (Monthly)	667.84	<i>Based on the valuation in which artwork of Ms Caddick represented 32.3% of the total valuation. Monthly future costs of \$166.96 per month are for storage and insurance of the artworks and this has been estimated up to 30 June 2021</i>
External Costs Total	667.84	