

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 5/07/2021 11:29:38 AM 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



A handwritten signature in blue ink, reading "Sia Lagos".

Dated: 5/07/2021 11:29:47 AM AEST

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 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 59  
Rule 29.02(1)

## Affidavit

No. 1220 of 2020

Federal Court of Australia  
District Registry: NSW  
Division: Commercial and Corporations

**IN THE MATTER OF MALIVER PTY LTD (ACN 164 334 918)**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and others named in the Schedule**

Defendants

Affidavit of: **Bruce Gleeson**  
Address: Level 13, 139 Kent Street, Sydney, New South Wales  
Occupation: Registered Liquidator  
Date: 25 June 2021

### Contents

Document number	Details	Paragraph	Page
1	Affidavit of Bruce Gleeson	1	
2	Annexure "BG3", being a letter from Baker McKenzie to Gillis Delaney dated 8 June 2021 and enclosures	3	2
3	Annexure "BG4", being a bank statement for the Maliver NAB Primary Account showing a deposit on 12 May 2017	9	3
4	Annexure "BG5", being bank trace results from NAB relating to the Caddick NAB Primary account and the Caddick 6844 NAB account	10	5

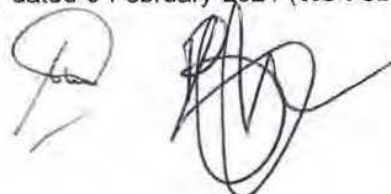
Filed on behalf of (name & role of party) Australian Securities and Investments Commission (Plaintiff)  
Prepared by (name of person/lawyer) Nicolette Bearup  
Law firm (if applicable) \_\_\_\_\_  
Tel (02) 9911 2000 Fax \_\_\_\_\_  
Email Nicolette.Bearup@asic.gov.au  
**Address for service** Email addresses above and Level 5,100 Market Street Sydney NSW 2000  
(include state and postcode) \_\_\_\_\_

[Version 3 form approved 02/05/2019]

Document number	Details	Paragraph	Page
5	Annexure "BG6", being bank trace results from CBA relating to the Caddick CDIA account.	10	5
6	Annexure "BG7", being bank statements for the Caddick Amex showing payment of school fees in 2019	12	5
7	Annexure "BG8", being a bank statement for the Caddick NAB Primary Account showing a deposit on 3 April 2017	18	6
8	Annexure "BG9", being a letter from Jones Partners to CommSec	26	8
9	Annexure "BG10", being an email and letter from CommSec to Jones Partners with annexures	26	8
10	Annexure "BG11", being an email and annexure from Melissa Caddick to [REDACTED].com.au dated 30 January 2013	27	8
11	Annexure "BG12", being a bank statement for the Grimley Citibank Account showing a payment on 31 October 2012	28(a)	8
12	Annexure "BG13", being a bank statement for the Caddick NAB Primary Account showing a payment on 3 December 2012	28(b)	8
13	Annexure "BG14", being a bank statement for the Grimley Citibank Account showing a payment on 3 January 2013	28(c)	9
14	Annexure "BG15", being bank statements for the MC and AG Home Loan and MC and AG NAB Account	30(a)	9
15	Annexure "BG16", being bank statements for the MC Home Loan and Caddick 4254 NAB Offset account	30(b)	9

I, Bruce Gleeson, Registered Liquidator of Level 13, 139 Kent Street, Sydney, New South Wales, 2000 say on oath:

1. I refer to my earlier affidavits sworn 12 May 2021 (**Earlier Affidavit**) and 27 May 2021. I make this affidavit on the same basis as set out in paragraphs 2 and 5 of my Earlier Affidavit and use the terms set out in paragraphs 16 and 17 of that affidavit.
2. At paragraphs 25, 28 to 29 and 182 to 203 of my Earlier Affidavit, I refer to payments made to Melissa Caddick by her parents and the claims made by them in respect of those payments.
3. My solicitors Gillis Delaney Lawyers received a letter dated 8 June 2021 from Baker McKenzie, who are acting for Ms Caddick's parents (**the Parents**), which is annexed and marked "**BG-3**" (**Baker McKenzie Letter**).
4. The Baker McKenzie letter included a copy of a letter from William James Solicitors (who previously acted for the Parents) to Gillis Delaney dated 9 February 2021 (**WJ February**





**Letter**). This letter was not provided to me previously. I am informed by Michael Hayter from Gillis Delaney Lawyers that he did receive it but inadvertently overlooked it.

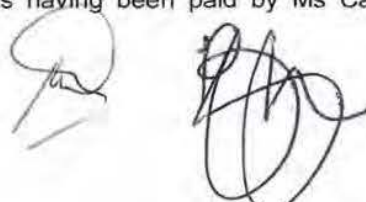
**Parents' Claim regarding "Safekeeping" Money**

5. In the Baker McKenzie Letter it is asserted that the Parents paid:

- (a) \$154,717.09 on 7 April 2017 to Ms Caddick following the sale of the [REDACTED] ("Parents Connells Point Property"); and
- (b) \$111,073.61 on 12 May 2017 to Maliver Pty Ltd ("the Company").

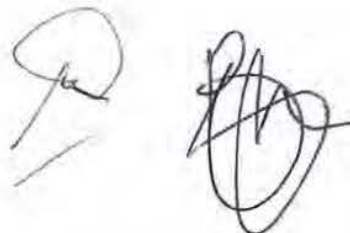
The Parents assert that those monies were provided to Ms Caddick for "safekeeping" or to hold on their behalf.

- 6. In the Baker McKenzie Letter, it is asserted that those monies were distributed by Ms Caddick to the Parents in smaller payments (usually \$4,000) for living expenses and that there are still amounts owing to the Parents from the safekeeping money. The Baker McKenzie Letter states "We are instructed that our clients have not been paid out these amounts in full. We are endeavouring to confirm our instructions on the precise balances that our clients assert are outstanding."
- 7. At paragraph 189 of my Earlier Affidavit I refer to the fact that the sum of \$1,154,390.48 was paid into the NAB Caddick Primary Account on 7 April 2017 from the settlement of the sale of the Parents' Connells Point Property.
- 8. It is asserted in the Baker McKenzie Letter that an amount of \$1,154,717.09 was paid to Caddick NAB Primary Account on settlement of the Parents Connells Point Property. This is based on the settlement statement, however, on 7 April 2017, the actual amount paid to Caddick NAB Primary Account was \$1,154,390.48.
- 9. My investigations have confirmed that a sum of \$111,073.61 was transferred from the Paul Curtis and Co Trust Account to the Maliver NAB Primary Account on 12 May 2017 as shown in the bank statement annexed and marked "BG-4".
- 10. My investigations have also identified that payments were made to the Parents before and after the date in which the above monies were paid. In paragraph 200 of my Earlier Affidavit I noted that between 22 October 2012 and 2 October 2020 payments totalling \$266,500 appear to have been made to the Parents. The majority of such payments were in \$4,000 amounts. I have now since the time of my Earlier Affidavit confirmed that \$262,500 of \$266,500 referred to above as having been paid by Ms Caddick to the



Parents via bank traces. Copies of the bank trace documents relating to the Caddick NAB Primary and the Caddick 6844 NAB accounts are annexed and marked "BG-5". Copies of the bank trace documents relating to the Caddick CDIA account are annexed and marked "BG-6".

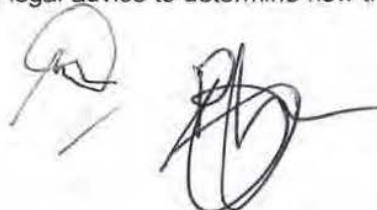
11. The WJ February letter, enclosed a spreadsheet stated to have been provided by Ms Caddick to the Parents (**WJ February Letter Spreadsheet**) which purports to detail the current balance of the "safekeeping" money (detailed as 9/4/17 \$154,390.00 and 12/5/17 \$110,073.61) alleged owed to the Parents as \$168,803.18 as at 9 November 2019. The Spreadsheet shows additional payments made to the Parents which were not included in my analysis referred to in paragraph 10 totalling \$35,000. Based on my investigations, my comments regarding the WJ February Letter Spreadsheet are as follows:
  - (a) interest appears to have been charged on the "safekeeping" money however I have not been provided with any details of the terms of the agreement or interest rate charged;
  - (b) the first tranche of the "safekeeping" money (\$154,390 on 9 April 2017) is the amount paid by the Parents on the settlement of the sale of the Parents Connells Point Property referred to in paragraph 7 above, less \$1,000,000;
  - (c) the second tranche of the "safekeeping" money referred to in the WJ February Letter Spreadsheet (\$110,073.61 on 12 May 2017) is \$1,000 less than the amount transferred from Paul Curtis and Co Trust Account to Maliver NAB Primary Account on 12 May 2017;
  - (d) enclosed in the WJ February Letter is an extract of the trust account ledger of the Paul Curtis & Co Law Practice Trust Account which indicates that on around 17 May 2017, a cheque was issued to Maliver Pty Ltd of \$111,073.61. The trust account ledger indicates that the client was "Grimley, [REDACTED]";
  - (e) the WJ February Letter Spreadsheet indicates that \$79,000 of the "safekeeping" money was repaid to the Parents (excluding the school fees which are referred to below in paragraph 12). I have reviewed such repayments and identified that the following repayments were paid by Ms Caddick or Maliver to the Parents based on bank traces, as shown in the bank trace documents as referred to above at annexures BG-5 and BG-6:

Two handwritten signatures are present at the bottom of the page. The signature on the left is a stylized, cursive 'J' followed by a horizontal line. The signature on the right is a more complex, cursive signature with multiple loops and a large 'S' or 'B' shape.



Date in WJ February Letter Spreadsheet	Date in Bank Statement	Amount (\$)	Bank Account paid from	Bank Trace (Yes / No)
9 April 2017	12 April 2017	10,000	Caddick NAB Primary	No
3 April 2018	3 April 2018	4,000	Caddick NAB Primary	Yes
4 June 2018	4 June 2018	15,000	Caddick CDIA	No
2 May 2019	30 April 2019	4,000	Caddick CDIA	Yes
5 June 2019	6 June 2019	4,000	Caddick NAB Primary	Yes
1 August 2019	1 August 2019	4,000	Caddick CDIA	Yes
1 September 2019	3 September 2019	4,000	Caddick CDIA	Yes
1 October 2019	3 October 2019	4,000	Caddick CDIA	Yes
1 November 2019	9 November 2019	4,000	Caddick CDIA	Yes

- (f) regarding the payments of \$10,000 on 12 April 2017 and \$15,000 on 4 June 2018 set out in the WJ February Letter, I am yet to receive bank traces to confirm those payments were in fact made to the Parents' bank account;
- (g) there are certain repayment dates referred to in the WJ February Letter Spreadsheet which do not precisely match the transfer dates of certain repayments identified to the Parents (i.e. the dates are a number of days apart).
12. The WJ February Letter Spreadsheet also appears to indicate that the "safekeeping" monies were used to pay Ms Caddick's son's school fees in 2019. I have identified that Ms Caddick paid a total amount of \$37,401.09 in 2019 for her son's school fees from the Caddick Amex. The relevant credit card statements are annexed and marked "BG-7".
13. Given that the Parents paid the "safekeeping" monies in 2017, Ms Caddick may have used such funds for her own personal expenses and exhausted same. Accordingly, in 2019 when Ms Caddick paid her son's school fees via the Caddick Amex it is not clear whether those amounts were paid from the Parents' "safekeeping" monies or with Investor Funds that she had received.
14. I would require further information from Baker McKenzie reconciling all payments received by the Parents from Ms Caddick / Maliver and legal advice to determine how the amounts referred to above ought to be classified.




**Parents' Claim against the Edgecliff Property**

15. In the Baker McKenzie Letter, the following assertions are made:
- (a) there was an agreement between the Parents and Ms Caddick that they would contribute \$1 million towards the purchase of the Edgecliff Property in return for a corresponding interest of at least 37.37% of the Edgecliff Property and a tenancy for life;
  - (b) in accordance with, and in reliance upon, this agreement and Ms Caddick's representations, the Parents sold the Parents' Connells Point Property; paid \$32,450.40 (the balance of the deposit from the sale of the Parents Connells Point Property) to Ms Caddick towards the equity in the Edgecliff Property; paid \$1 million from the sale of the Parents Connells Point Property to Ms Caddick which was intended to be applied towards the equity in the Edgecliff Property; have resided, rent-free, in the Edgecliff Property from 17 March 2017 to date; since 22 February 2017 have asserted they have paid for repairs, renovations, utilities and strata fees for the Edgecliff Property totalling almost \$90,000.

Further details regarding the Parents' claim against the Edgecliff Property are set out in Annexure A to the Baker McKenzie Letter.

16. The Baker McKenzie Letter also enclosed additional emails not referred to in my Earlier Affidavit said to be from Ms Caddick to her Parents dated 8 November 2016 and 29 November 2016, in addition to the emails dated 22 and 28 November 2016 exhibited to my Earlier Affidavit (at Tabs 349 and 352 of Exhibit BG-1).
17. The assertion that the Parents paid \$32,450.40 to Ms Caddick towards the equity in the Edgecliff Property was not made in any of the previous correspondence from William James solicitors.
18. My investigations have revealed that \$32,450.40, being half the deposit from the sale of the Parents Connells Point Property, was paid into the Caddick NAB Primary Account on 3 April 2017. This is shown in the bank statement annexed and marked "BG-8".
19. The Baker McKenzie Letter indicated that they were obtaining instructions regarding proof of the payments for renovations, repairs, utilities and strata fees referred to in paragraph 15(b) of this Affidavit.





20. The spreadsheet attached to the letter from William James lawyers dated 22 December 2020 which I refer to in my Earlier Affidavit at paragraph 185(e) (**December Letter Spreadsheet**) sets out utility payments said to be paid by the Parents totalling \$7,656.29.
21. My view regarding the Parents' claim against the Edgecliff Property has not changed since I swore the Earlier Affidavit. I would need to obtain further information and legal advice regarding the claim, and the additional amounts referred to in the Baker McKenzie Letter. It is likely that the Parents would need to establish their constructive trust claim, in respect of the payments of \$1,000,000, \$32,450.40 and \$90,000 to the satisfaction of the Court.

#### **Parents' Alternative Claim**

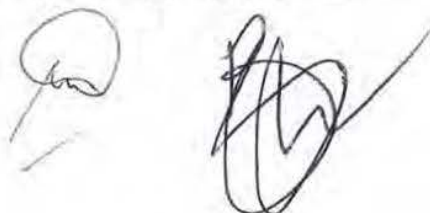
22. The Baker McKenzie Letter states that if their clients are unsuccessful in the claims referred to above they will be creditors:
- (a) of Ms Caddick for the amount of approximately \$1,122,500; and
  - (b) of either or both of Ms Caddick and Maliver Pty Ltd in respect of the "safekeeping" amounts.

#### **Paragraph 25(c) of My Earlier Affidavit**

23. At paragraph 25 of my Earlier Affidavit I refer to the sources of funds paid into the bank accounts listed in paragraph 17 of that affidavit. As a result of the additional information provided in the Baker McKenzie Letter and WJ February Letter I need to revise the figure in paragraph 25(c) to note that Ms Caddick's parents not only paid \$1,154,390.48 which was deposited into the Caddick NAB Primary Account on 7 April 2017, but also the amount of \$32,450.40 which was deposited into the NAB Primary Account on 3 April and \$111,073.61 which was deposited into the Maliver NAB Primary Account on 12 May 2017.

#### **Parents' Claim as an Investor**

24. The Baker McKenzie Letter also included a letter from William James Solicitors to ASIC dated 14 December 2020 (the **WJ ASIC Letter**).
25. In the WJ ASIC Letter, it is asserted that the Parents "purchased shares" prior to the year 2000 in the following ASX ticker codes – NCM, CBA, IAG, NAB, STO and NUF and those shares were held in a CommSec account in the name Melissa Grimley.





26. In response to my inquiries CommSec have advised that there was an account set up in the name of Miss Melissa Grimley with account number 391463 which was opened in 1999 and which has had no transactions on it. A copy of my letter to CommSec is annexed and marked "BG-9" and their reply is annexed and marked "BG-10".
27. Annexed and marked "BG-11" is a copy of an email and an excel spreadsheet from Ms Caddick to the email address for her parents, [REDACTED] dated 30 January 2013. I obtained this document from ASIC and understand ASIC obtained it under the search warrant executed at the Dover Heights Property on 11 November 2020. The subject line of the email was "Updated trading spreadsheet @ 1 January 2013". The notes to the excel spreadsheet suggest that:
- (a) the Parents held a Commsec account in their name with the account number 391463;
  - (b) \$55,000 had been redeemed from managed funds and placed in a "Macquarie CMT" account on 15 January 2011;
  - (c) \$20,000 was redeemed from CFS Imputation Fund for a loan repayment on 12 June 2012;
  - (d) the Parents had received a total amount of \$117,000 in draw downs for the period 1 July 2010 to date (being 1 January 2013);
  - (e) the dates of transactions indicate that the portfolio had been active from as early as 2 March 2006.
28. At this stage, I have not identified any deposits of \$55,000 or \$20,000 into bank accounts operated by Ms Caddick referred to in paragraph 17 of my Earlier Affidavit. Based on my review of the bank accounts listed in my Earlier Affidavit, I have identified the following payments which appear to match the timing of the amounts listed above:
- (a) 31 October 2012 - \$5,000 from the Grimley Citibank Account, with the description of the transaction including the words "Ba Grimley", a copy of the relevant bank statement is annexed and marked "BG-12";
  - (b) 3 December 2012 - \$4,000 from the Caddick NAB Primary, a copy of the relevant bank statement is annexed and marked "BG-13";



- ### Amounts owed to the NAB in respect of the Dover Heights and Edgecliff Properties

- The bank statements indicate that default interest rates are not currently being charged.

)  
)  
)  
)  
)  
Signature of deponent

Name of witness: Martin Duc Van

Address: Justice of the Peace in NSW (203335)  
Level 13, 189 Kent Street, Sydney NSW.

As a witness, I certify the following matters concerning the person who made this Affidavit:

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

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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-3**

This is the exhibit referred to as **Exhibit BG-3** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....

*Martin Duc Vu*  
*Justice of the Peace in NSW (203335)*

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff	
Prepared by	Nicolette Bearup	
Tel (02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au	
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup	



# Baker McKenzie.

## Asia Pacific

Bangkok  
Beijing  
Brisbane  
Hanoi  
Ho Chi Minh City  
Hong Kong  
Jakarta  
Kuala Lumpur\*  
Manila\*  
Melbourne  
Seoul  
Shanghai  
Singapore  
Sydney  
Taipei  
Tokyo  
Yongon

## Europe, Middle East & Africa

Abu Dhabi  
Almaty  
Amsterdam  
Antwerp  
Bahrain  
Bamako  
Berlin  
Brussels  
Budapest  
Cairo  
Casablanca  
Doha  
Dubai  
Dusseldorf  
Frankfurt/Main  
Geneva  
Istanbul  
Jeddah\*  
Johannesburg  
Kyiv  
London  
Luxembourg  
Madrid  
Milan  
Moscow  
Munich  
Paris  
Prague  
Riyadh\*  
Rome  
St. Petersburg  
Stockholm  
Vienna  
Warsaw  
Zurich

## The Americas

Bogota  
Brazilia\*\*  
Buenos Aires  
Calcutta  
Chicago  
Dallas  
Guadalajara  
Houston  
Juzrez  
Lima  
Los Angeles  
Mexico City  
Miami  
Monterrey  
New York  
Palo Alto  
Porto Alegre\*\*  
Rio de Janeiro\*\*  
San Francisco  
Santiago  
Sao Paulo\*\*  
Tijuana  
Toronto  
Valencia  
Washington, DC

\* Associated Firm  
\*\* In cooperation with  
Trench, Rossi e Watanabe  
Advogados

8 June 2021

Michael Hayter  
Gillis Delaney Lawyers  
Level 40, ANZ Tower  
161 Castlereagh Street  
SYDNEY NSW 2000

Dear Michael

We refer to previous correspondence and confirm that we act for [REDACTED], the parents of Melissa Caddick, on a pro bono basis.

As you are aware from correspondence with our clients' previous lawyers, William James, (copies attached) our clients claim an interest in the property located at [REDACTED] (the Edgecliff Property).

### Primary Claim: Edgecliff Property

Our clients' primary claim is that part of the Edgecliff Property was and remains held on (constructive) trust for them. This is based on our instructions that our clients have contributed about \$1,122,500 to the Edgecliff Property on the following bases.

1. There was an agreement between our clients and Ms Caddick that they would contribute \$1 million towards Ms Caddick's purchase of the Edgecliff Property in return for a corresponding interest of at least 37.37% in the Edgecliff Property and a tenancy for life (the Agreement).
2. In accordance with, and in reliance upon, the Agreement and Ms Caddick's representations to the same effect as the Agreement (the Representations), our clients:
  - a) sold their family home located at [REDACTED] (the Connells Point Property);
  - b) paid \$32,450.40 (the balance of the deposit from the sale of the Connells Point Property) to Ms Caddick towards the equity in the Edgecliff Property;
  - c) paid \$1 million from the sale of the Connells Point Property to Ms Caddick to be applied towards the equity in the Edgecliff Property;
  - d) have resided, rent-free, in the Edgecliff Property from 17 March 2017 to date;
  - e) since 22 February 2017 have paid for repairs; significant renovations to the kitchen, bathrooms and balcony; utilities and strata fees for the Edgecliff Property totalling almost \$90,000.

**Baker & McKenzie**  
ABN 32 266 778 912

Tower One - International Towers Sydney  
Level 46, 100 Barangaroo Avenue  
Barangaroo NSW 2000  
Australia

P.O. Box R126  
Royal Exchange NSW 1225  
Australia

Tel: +61 2 9225 0200  
Fax: +61 2 9225 1595  
DX: 218 SYDNEY  
www.bakermckenzie.com

**By email**  
mkh@gdlaw.com.au

3. If it was not for Ms Caddick's Representations and the Agreement, our clients would have sold the Connells Point Property in due course and purchased a more affordable property in Sydney's southern suburbs in their own names.

Further details are set out in Annexure A to this letter and its attachments. We are obtaining instructions regarding proof of payment of the expenditure referred to in paragraph 2(c) above and will provide those details in due course.

**Secondary Claim: "Safekeeping" money**

As identified in William James' letter to you dated 9 February 2021 (copy attached), our clients provided:

- (a) Ms Caddick with \$154,717.09 (being part of the proceeds of sale of the Connells Point Property) on or about 7 April 2017; and
- (b) Maliver Pty Ltd with \$111,073.61 (being the proceeds of a personal injury claim of Mrs Grimley) on 12 May 2017,

in each case to hold on their behalf and distribute to them in smaller payments (usually \$4,000) for living expenses.

We are instructed that our clients have not been paid out these amounts in full. We are endeavouring to confirm our instructions on the precise balances that our clients assert are outstanding.

At this stage, our clients reserve their position on the characterisation of these claims, and the precise amount of them.

**Alternative Claim**

If our clients are unsuccessful in their claims as articulated above, and without derogating in any way from those claims, they will be creditors:

- (a) of Ms Craddick for the amount of approximately \$1,122,500 comprising the sums identified in paragraphs 2(b), (c) and (e) above; and
- (b) of either or both of Ms Craddick and Maliver Pty Ltd in respect of the outstanding amounts owing in respect of the "safekeeping" claims articulated above.

**ASIC's Further Amended Originating Process**

We understand that at the hearing of this matter on 29 and 30 June, ASIC intends to seek orders for the sale of the Edgecliff Property by your clients subject to the mechanics provided for in paragraph 9C of the Further Amended Originating Process (FAOP), which we understand would permit the Grimleys, as (we understand) Interested Parties for the purposes of the FAOP to formally assert and have determined their claims in respect of the Edgecliff Property. Please confirm that this understanding is correct.

So that our clients may consider their position (including whether they intend to object to the sale of the Edgecliff Property) ahead of the hearing listed before Her Honour Justice

**Baker  
McKenzie.**

Markovic on 29 and 30 June, we invite you to formally indicate your client's position in regard to our clients' interests in the Edgecliff Property.

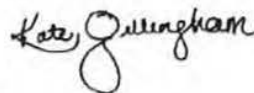
It may be constructive for there to be discussions as between our clients and your clients in relation to the Edgecliff Property, and the operation of the orders sought in the FAOP, and we are happy to be involved in those.

Our clients reserve their rights to supplement the evidence in support of their claims and to rely upon this letter in proceedings and the matter of costs.

Yours sincerely



Maria O'Brien  
Partner  
+61 2 8922 5222  
Maria.O'Brien@bakermckenzie.com



Kate Gillingham  
Partner  
+61 2 8922 5410  
Kate.Gillingham@bakermckenzie.com

Cc: Nicolette Bearup  
ASIC  
By email: nicolette.bearup@asic.gov.au





### Annexure A

We are instructed that:

1. From around September 2016 our clients were considering a proposal from Ms Caddick that they contribute \$1 million towards Ms Caddick's purchase of a property located in Sydney's eastern suburbs on the basis that they would have a corresponding interest in the property and the right to reside in the property rent free for life. This proposal is evidenced by email correspondence between Ms Caddick and our clients dated 8 November 2016 (copy **attached**).
2. By mid-November 2016 our clients and Ms Caddick had decided to purchase the Edgecliff Property. In order to be in a position to contribute \$1 million towards the purchase of the Edgecliff Property, it was necessary for our clients to sell their family home located at [REDACTED] (the Connells Point Property).
3. On 19 November 2016 our clients retained Laing & Simmons, Double Bay, to act as agents on the sale of the Connells Point Property and prepared their home for sale.
4. The agreement between Ms Caddick and our clients to contribute \$1 million to the Edgecliff Property on the basis that they would have a corresponding interest in the Edgecliff Property and the right to reside there rent free for life or until they chose to relocate, is evidenced in an email from Ms Caddick to our clients dated 22 November 2016 which attached a spreadsheet recording the funds to be contributed towards the purchase price of the Edgecliff Property (copy **attached**).
5. On 28 November 2016, Ms Caddick exchanged contracts on the purchase of the Edgecliff Property for \$2.55 million.
6. By email to our clients dated 28 November 2016 (copy **attached**), Ms Caddick confirmed the exchange of contracts and *'who made what contributions and finally% of ownership'*. She indicated that her lawyer, Ms Jennifer Williamson, would *'draft a document reflecting discussions about ownership and tenancy for all parties to sign and attach to existing wills....'* The attached spreadsheet recorded that our clients would contribute \$1 million to the purchase of the Edgecliff Property and their *'% ownership'* was 37.37%.
7. By email to our clients dated 29 November 2016 (copy **attached**), Ms Caddick confirmed that \$1 million from the sale of the Connells Point Property was to be paid to her.
8. Ms Caddick made a new will on 10 December 2016. Paragraph 50 of the will (copy **attached**) provides that Ms Caddick bequeaths our clients a life interest in the Edgecliff Property.
9. Ms Caddick's purchase of the Edgecliff Property settled on 18 January 2017.
10. From about 22 February 2017 our clients paid for general repairs, significant renovations (kitchen, bathrooms, balcony), strata fees and utilities (water and gas) for the Edgecliff Property.



11. Our clients collected the keys to the Edgecliff Property on 18 January 2017 and progressively moved in their belongings. They have resided, rent-free, in the Edgecliff Property from 17 March 2017 and still reside there today.
12. Contracts for the sale of the Connells Point Property were exchanged on 21 January 2017. The purchaser paid a deposit of \$75,500. On 3 April 2017, \$32,450.40 (being the balance of the deposit less agent's commission and marketing expenses) was paid into Ms Caddick's bank account [REDACTED]. A copy of Laing & Simmons EFT Payments List dated 3 April 2017 is attached.
13. Settlement of the sale for the Connells Point Property took place on 7 April 2017. The Settlement Authority and Settlement Statement signed by our clients (copies **attached**) record that, consistent with their agreement with Ms Caddick, the purchasers were directed to provide a bank cheque to Melissa Caddick in the sum of \$1,154,717.09. Our clients understood from their dealings with Ms Caddick that \$1 million of that amount would be put towards the Edgecliff Property and the balance would be held by Ms Caddick for them.

Level 13, 74 Castlereagh Street, Sydney NSW 2000  
GPO Box 97, Sydney NSW 2001  
phone: +61 (2) 9925 3222  
www.wjlaw.com.au



21 December 2020

Our Reference  
MF:LM:3023

Attn: Michael Hayter  
Gillis Delaney Lawyers  
Level 40, ANZ Tower  
161 Castlereagh Street  
SYDNEY NSW 2000

Contact  
Leonard McCarthy  
+61 (2) 9925 3230  
leonard.mccarthy@wjlaw.com.au

Partner  
Michael Forrest  
+61 (2) 9925 3220  
michael.forrest@wjlaw.com.au

By email: [mkh@qdlaw.com.au](mailto:mkh@qdlaw.com.au)

Dear Michael

**Australian Securities & Investments Commission ("ASIC") v Melissa Louise Caddick & Maliver Pty Ltd ACN 164 334 918 | Federal Court of Australia Proceedings No. NSD1220/2020 ("Proceeding")**

We refer to your letter dated 18 December 2020 and confirm we act for [REDACTED] in relation to matters concerning the Proceeding.

#### The Edgecliff Property

In respect of the property located at [REDACTED] (Folio Identifier [REDACTED]) (the Edgecliff Property), we are instructed that:

- a. on 7 April 2017, [REDACTED] sold the family home located at [REDACTED] (Connells Property) and at settlement, were provided with a bank cheque in the amount of \$1,154,717.09, \$1,000,000.00 of which was provided to Ms Caddick to apply in and to the purchase of the Edgecliff Property, which [REDACTED] would have an interest in with Ms Caddick. [REDACTED] were also to live in the property for the rest of their lives or until they decided to vacate the Edgecliff Property to live somewhere else, an event which has not happened. [REDACTED] have lived in the Edgecliff Property since its acquisition. To that end, please find enclosed:
  - a. an email dated 28 November 2016 and attached thereto, a spreadsheet recording the source(s) of the funds to be contributed towards the purchase price of the Edgecliff Property; and
  - b. a settlement statement dated 7 April 2017 in respect of the sale of the Connells Property;
- b. the \$1,000,000 was applied towards the purchase price in circumstances where it was always Ms Caddick's, and Mr and Mrs Grimley's, intention that that money be strictly for their benefit and not for the benefit of Ms Caddick in any way; and
- c. notwithstanding that Ms Caddick is the legal owner of the Edgecliff Property, it was always the intention of Ms Caddick and [REDACTED], that [REDACTED] own the Edgecliff Property to the extent of their respective initial contributions to the purchase price (i.e. 37.37%).



In the above circumstances, the **enclosed** caveat [REDACTED] was lodged on 7 December 2020, on behalf of our clients, on the title of the Edgecliff Property.

In addition to the above, a further caveat, **enclosed** caveat [REDACTED] was lodged on 18 December 2020, on behalf of [REDACTED], on the title of the Edgecliff Property (**Second Caveat**).

The interest supporting the Second Caveat is borne out in the **enclosed** email dated 22 November 2016 from Ms Caddick to [REDACTED]. This email records the following agreement:

- a. that [REDACTED] would contribute \$1,000,000 to the purchase of the Edgecliff Property and thus, along with Ms Caddick, be owners;
- b. that Ms Caddick would remain as sole proprietor of the Edgecliff Property upon the understanding that she grants an estate or interest in the land to [REDACTED], as joint tenants, for life, or their earlier vacation of the land (we note that this arrangement is also reflected in clause 48 of the **enclosed** Last Will and Testament of Melissa Louise Caddick);
- c. that the aforementioned life interest be enjoyed, rent free, by [REDACTED] but that on their death, or earlier vacation of the Edgecliff Property, their interest is to be left to Ms Caddick and her brother [REDACTED], as joint tenants; and
- d. that, to begin with, Ms Caddick would pay utilities and improvements in respect of the Edgecliff Property but, as a matter of fact, in respect of the utilities listed below, on and from the dates listed below, Mr and Mrs Grimley would thereafter pay same:
  - i. Woollahra Municipal Council rates from 31 August 2018 to 20 November 2020 in the amount of \$3,557.02;
  - ii. Sydney Water charges from 24 April 2017 to 3 November 2020 in the amount of \$2,472.21; and
  - iii. Energy Australia gas charges from 31 January 2018 to 14 July 2020 in the amount of \$1,627.06,

(please see **enclosed** spreadsheet outlining individual payment dates, amounts and confirmation numbers).

We also note that, although not reflected in the above agreement, [REDACTED] has been satisfying the mortgage repayments in respect of the Edgecliff Property from, on or around, November 2018, in the amount of \$6,000 per month. Accordingly, [REDACTED] may have an interest in the property however, to what extent, we are uncertain.

As for the balance of your letter, we are instructed that:

- a. [REDACTED] are in occupation of the Edgecliff Property and that [REDACTED], who ordinarily resides in Singapore, is currently living there as [REDACTED] guest due to COVID-19 travel restrictions, and his continued need to liaise with lawyers as it relates to Ms Caddick's affairs (under power of attorney);
- b. excepting obvious things like rubbish, perishables, and food, no:

- a. items in the form of chattels or fixtures currently located on or within the Edgecliff Property will be removed without your clients' consent; and
- b. such items have been removed from the Edgecliff Property since the disappearance of Ms Caddick.

#### **Access to the Edgecliff Property**

We refer to orders 5 and 6 of the orders made by Justice Markovic on 15 December 2020, and the variation to those orders provided for in order 6 of the orders also made by Justice Markovic on 17 December 2020.

The variation does not require any notice to be provided to [REDACTED] prior to the receivers gaining access to the Edgecliff Property for the purpose of obtaining valuations, taking control of other assets, or preparing the Court ordered report. However, the receivers take subject to equities and cannot have any greater rights or entitlements than Ms Caddick has. That includes the life estate and possession currently held by [REDACTED], and which estate and possession was conferred by agreement of Ms Caddick (and reflected in contemporaneous documentation, so there can be no suggestion of recent invention). Therefore, the receivers are unable to attend on the premises uninvited.

In addition to these other considerations, [REDACTED] are aged in their eighties, limited in their mobility and [REDACTED] is recovering from recent surgery. Obviously, the disappearance of their daughter, Ms Caddick, is adding another level of extreme distress. [REDACTED] were, to a large extent, dependent on Ms Caddick (and to a lesser extent, their son, [REDACTED]).

Further, as noted above, the Edgecliff Property is [REDACTED] principal place of residence and the deteriorating COVID-19 situation in greater Sydney means that, for much of the day, excluding medical appointments and errands that can be carried out nearby, [REDACTED] spend much of their day inside the Edgecliff Property. This is, primarily, to reduce the risk of contracting COVID-19, given that they are both within the "vulnerable and high-risk group".

In light of the above, any person(s) that enters the property (subject to what is discussed further below) on behalf of the receivers must:

- confirm that they have not visited a known COVID-19 hotspot within the time periods identified by authorities;
- have not experienced any known COVID-19 symptoms, or feel unwell;
- be wearing a face mask, gloves, and any other reasonable sanitary protection that is considered appropriate at the time; and
- will minimise any touching of items within the property.

We consider these conditions are reasonable. However, please let us know if they present any particular difficulty for the receivers. In that respect, there is no intention to interfere with or disrupt the receivers in their task.

It is also a requirement that any access must be supervised access, with one or both a representative from this office and [REDACTED] in attendance. Please confirm if there is any difficulty with this requirement.

In terms of a time and date for access, we understand that [REDACTED] has arranged for access to be provided to the receivers at 1:30pm on 22 December 2020.

Further, if further, other access is required then reasonable notice to [REDACTED] would still be required. We consider a notice period of no less than two business days' notice is reasonable. Please confirm this is agreeable. Any such notice is to be provided to this firm and [REDACTED] on + [REDACTED] and/or at [REDACTED]

In the event that an agreement cannot be reached, in substantially the terms noted above, it is relevant to note that:

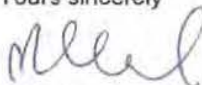
- a. a legal life tenant is entitled to possession of the property as of right, since the possession follows the legal estate; and
- b. the receivers' have no greater powers than those that which resided with Ms Caddick and further, that the appointment of the receivers takes subject to existing equities which, relevantly, includes [REDACTED] life interest in the Edgecliff Property and right to possession.

Accordingly, any access by the receivers can only be by agreement and on reasonable notice to [REDACTED], as the foregoing is aimed at facilitating. Please confirm these arrangements are suitable. In that respect, [REDACTED] reserve their rights to approach the Court, including on an urgent basis, to seek a variation to order 6 of the 17 December 2020 to include provision of a reasonable notice period.

Finally, we anticipate at some stage, that [REDACTED] will be seeking to have their interest in, amongst other things, the Edgecliff Property recognised by the Court. [REDACTED] reserve their rights in this regard.

[REDACTED] will rely on this letter on any issue of costs.

Yours sincerely



Michael Forrest  
Responsible Partner



Level 13, 74 Castlereagh Street, Sydney NSW 2000  
GPO Box 97, Sydney NSW 2001  
phone: +61 (2) 9925 3222  
www.wjlaw.com.au



9 February 2021

Our Reference  
MF:LM:3023

**Attn: Michael Hayter**  
Gillis Delaney Lawyers  
Level 40, ANZ Tower  
161 Castlereagh Street  
SYDNEY NSW 2000

**Contact**  
Leonard McCarthy  
+61 (2) 9925 3230  
leonard.mccarthy@wjlaw.com.au

**Partner**  
Michael Forrest  
+61 (2) 9925 3220  
michael.forrest@wjlaw.com.au

By email: [mkh@gdlaw.com.au](mailto:mkh@gdlaw.com.au)

Dear Michael

**Australian Securities & Investments Commission ("ASIC") v Melissa Louise Caddick & Maliver Pty Ltd ACN 164 334 918 | Federal Court of Australia Proceedings No. NSD1220/2020 ("Proceeding")**

We refer to your letters dated 23 December 2020, 11 January 2021 and 3 February 2021.

**Response to 23 December 2020 letter**

Adopting the numbering in that letter, we are instructed as follows:

1. Our clients' agreement with Ms Caddick to contribute \$1M towards the purchase price of the Edgecliff Property was formed in or around November 2016, prior to the purchase of the Edgecliff Property. The payment of the \$1M to Ms Caddick, by cheque, was following the settlement of the Connells Property, which occurred after the settlement of the Edgecliff Property.
2. The \$1M cheque was paid into a National Australia Bank account held by Melissa Caddick bearing [REDACTED]
3. Yes.
4. Our clients did not respond, by email, to this correspondence. The emails from Ms Caddick to our clients dated 22 and 28 November 2016, both of which were enclosed to our letter dated 21 December 2020, clearly set out the arrangement which was to follow from our clients' \$1M contribution.
5. We refer to Ms Caddick's Last Will and Testament dated 10 December 2016 which, at clause 48, records our clients' life interest in the Edgecliff Property. This was enclosed to our letter dated 21 December 2020.

**Response to 11 January 2021 letter**

The \$1M contribution from our clients was to be strictly used to reduce the mortgage on the property. This is also reflected in our clients' 37.37% ownership interest recorded in the spreadsheet attached to the email of 28 November 2016.

The \$1M contribution was not a gift to Melissa, nor was it a loan, nor was it a payment to Ms Caddick for her to do what she considered appropriate with the funds. At all times, the money was advanced in return for a beneficial interest in the Edgecliff Property.

Finally, the above position is reflective of our instructions received to date, as well as the documents we have been able to obtain in the circumstances where there is an unknown number of documents which we do not yet have access to and accordingly, our clients reserve their rights in this regard.

**Response to 3 February 2021 letter**

We are instructed that the assertion that there was an additional \$1M advanced by our clients in addition to the \$1M contribution to the purchase of the Edgecliff Property is incorrect.

Please see **enclosed** spreadsheet provided by Ms Caddick to our clients. It shows that our clients, in addition to the \$1M contribution, had provided Ms Caddick the below amounts to hold in a bank account on their behalf. These amounts include:

- a. a \$154,390.00 deposit made on 9 April 2017. This amount is the balance of the amount received on settlement of the Connells Point Property (we refer you to the settlement statement enclosed to our 21 December 2020 letter);
- b. a \$111,073.61 deposit made on 12 May 2017. This amount was as a result of an insurance payment received by Barbara Grimley. Please see **enclosed** trust receipt from the solicitor who receipted the funds, to Maliver Pty Ltd. We note that there is a \$1,000 discrepancy between the figure showing on the receipt and the spreadsheet. We are instructed that the correct figure is in fact that which is noted above.

The identity of the account is not presently ascertainable by our clients. Our clients are aged in their eighties and, for some time, have relied upon Ms Caddick to manage their financial affairs, including the Account. As a result, our clients are without the account name, account number, BSB or login details to the Account and therefore, without access to their money.

Our clients continue to reserve their rights.

Yours sincerely



pe2  
Michael Forrest  
Responsible Partner



Cash from settlement	9/4/17	\$ 154,390.00	\$ (10,000.00) withdrawn	12/4/17
Cash from insurance	12/5/17	\$ 110,073.61	\$ (4,000.00) withdrawn	
			\$ (4,000.00) withdrawn	
		\$ 264,463.61		
Interest		\$ 1,057.85		
closing balance	15/2/18	\$ 265,521.46		
	3/3/18		\$ (4,000.00) drawdown	
	3/4/18		\$ (4,000.00) drawdown	
	3/5/18		\$ (4,000.00) drawdown	
	4/6/18		\$ (15,000.00) drawdown	
Interest	29/6/18	958.23		\$ (27,000.00)
	Closing Balance			
	Cash	\$ 239,479.69		
	27/11/18		\$ (10,000.00) Dad Request	
	Closing Balance			
	Cash	\$ 229,479.69		
	13/2/19		\$ (12,535.00) School Fees Term 1	
	1/5/19		\$ (12,626.09) School Fees Term 2	
	2/5/19		\$ (4,000.00)	
	5/6/19		\$ (4,000.00)	
Interest	28/6/19	724.58		
	Closing Balance			
30-Jun-19	Cash	\$ 197,043.18		
	15/7/19		\$ (12,240.00) School Fees Term 3 & 4	
	Balance	\$ 184,803.18		
	1/8/19		\$ (4,000.00)	
	1/9/19		\$ (4,000.00)	
	1/10/19		\$ (4,000.00)	
	1/11/19		\$ (4,000.00)	
9/11/19	Balance	\$ 168,803.18		



---

**From:** Vilma Chiavaroli <vc@paco.com.au>  
**Sent:** Wednesday, 20 January 2021 10:08 AM  
**To:** [REDACTED]  
**Subject:** PAYMENT  
**Attachments:** TRUST PAYMENT.pdf

## Paul A. Curtis & Co.

Solicitors & Attorneys  
Established 1985


**Paul Anthony Curtis** *Dip Law (BAB) Dip Lab Rel & Law (Syd Uni),  
AALL, Acc. Spec. (Pers. Inf.)*

[REDACTED]

Please find **attached** Trust ledger payment.

Regards,  
Vilma Chiavaroli, Personal Assistant to Paul Curtis, Solicitor  
Paul A. Curtis & Co.  
George Bosch Chambers  
Level 3, 114-120 Castlereagh Street, SYDNEY NSW 2000  
DX 1356 SYDNEY  
Telephone: + 61 2 9261 3955  
Facsimile: + 61 2 9267 8700

THE LAW SOCIETY OF NSW  
**PROFESSIONAL STANDARDS SCHEME**

Imported Trust Ledger Item: Pay2024			
Matter		Account	
213090		526912098	
DOA: 13 September 2012		Paul A Curtis & Co Law Practice Trust Account	
Payee/Payor		Transaction Type	Transaction No.
Maliver Pty Ltd		1285	Pay2024
			Transaction Date
			17/05/2017
			Entry Date
			17/05/2017
Memo			
Settlement Monies - replacement cheque			
Withdrawal	Deposit		
\$111,073.61			
Close			

Level 13, 74 Castlereagh Street, Sydney NSW 2000  
 GPO Box 97, Sydney NSW 2001  
 phone: +61 (2) 9925 3222  
 www.wjlaw.com.au



14 December 2020

Our Reference  
 MF:LM:3023

Attn: Nicolette Bearup  
 Australian Securities & Investments Commission  
 Level 5, 100 Market Street  
 Sydney NSW 2000

Contact  
 Leonard McCarthy  
 +61 (2) 9925 3230  
 leonard.mccarthy@wjlaw.com.au

By email: [Nicolette.Bearup@asic.gov.au](mailto:Nicolette.Bearup@asic.gov.au)

Partner  
 Michael Forrest  
 +61 (2) 9925 3220  
 michael.forrest@wjlaw.com.au

Dear Nicolette

**Australian Securities & Investments Commission ("ASIC") v Melissa Louise Caddick & Maliver Pty Ltd ACN 164 334 918 | Federal Court of Australia Proceedings No. NSD1220/2020 ("Proceeding")**

We act for [REDACTED], who are the mother and father of Melissa Caddick, the First Defendant in the Proceeding.

We refer to the orders made by Justice Jagot on 10 November 2020 (**Freezing Orders**).

We understand that, on or around 11 November 2020, ASIC executed a search warrant of Ms Caddick's property at Dover Heights and as a result of those searches, all records, including those relating to bank accounts and investments, were seized.

#### Bank Account

We are instructed that the:

- a. Freezing Orders may extend to, amongst other things, a bank account that holds money that is the property of our clients (**Account**); and
- b. funds held in the Account are solely the property of our clients and that Ms Caddick does not have any legal or beneficial interest, solely or jointly, in those funds.

We say "may" because, at the moment, the identity of the account is not presently ascertainable by our clients. Our clients are aged in their eighties and, for some time, have relied upon Ms Caddick to manage their financial affairs, including the Account. As a result, our clients are without the account name, account number, BSB or login details to the Account and therefore, without access. Further, any information provided by Melissa in respect of the account was minimal, save for the fact that the following details can be identified:

- a. deposit made on 9 April 2017 in the amount of \$154,390.00;
- b. closing balance of \$197,043.18 on 30 June 2019; and
- c. closing balance of \$168,803.18 on 9 November 2019.



We provide these details to see if you are able to confirm if the accounts presently frozen meet any of these particulars. If so, we would like to urgently discuss with ASIC unlocking any account that can be confirmed as the Account so our client can get access to their money for their urgent living expenses. In that respect, we are instructed that the Account comprises the whole of our clients' readily available assets from which they can draw from, together with the Aged Pension (which is inadequate), to fund living expenses.

Mr and Mrs Grimley are aged in their eighties, limited in their mobility and in poor health. Obviously, the disappearance of their daughter, Ms Caddick, is adding another level of extreme distress. Our clients were, to a large extent, dependent on Ms Caddick (and to a lesser extent, their son, Adam Grimley, but who normally resides in Singapore) in the management of their financial affairs. Our clients are in a vulnerable position, and this is only made worse by the freezing of the Account.

Having regard to the Account transactions and balances identified above, please confirm by 4:00pm, Tuesday 15 December 2020 the account name, account number, BSB and login details for the Account, so as to allow our clients to access their funds.

#### **Commsec Account**

We are instructed that our clients have purchased shares, a number of which were acquired before the year 2000, in the following entities with ASX Codes: NCM; CBA; IAG; NAB; STO and NUF (Share Portfolio).

The Share Portfolio is held in a Commsec trading account (Commsec Account) in the name of Ms Melissa Grimley and, on our reckoning, is not listed in Annexure A to the Freezing Orders. However, similar to the Account, our clients do not know the client ID or password to the Commsec Account, nor do they have access and as a result, are deprived of the opportunity, in the event that it becomes necessary, liquidate shares they own to fund reasonable living expenses and/or any likely future litigation.

Accordingly, please confirm by 4:00pm, Tuesday 15 December 2020 the client ID and password in respect of the Commsec Account so as to allow our clients to access their share portfolio.

#### **Edgecliff property**

In respect of the property located at [REDACTED]  
[REDACTED] (the Property), we are instructed that:

- a. on 7 April 2017, our clients sold the family home located at [REDACTED] and at settlement, were provided with a bank cheque in the amount of \$1,154,717.09, \$1,000,000.00 of which was provided to Ms Caddick to facilitate the purchase of the Property, which they were to live in, and have so since its acquisition;
- b. this money was applied towards the purchase price in circumstances where it was always our clients' intention that that money be strictly for their benefit and not for the benefit of Ms Caddick in any way; and
- c. notwithstanding that Ms Caddick is the legal owner of the Property, it was always the intention of our clients' that they own the Property beneficially.

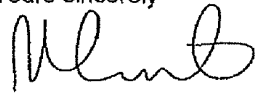
Notwithstanding the distressing circumstances, our clients wish to take immediate and urgent steps to protect their interests in the Account, the Property and the Commsec Account and in

order to do so, require legal representation which, given the effect of the Freezing Orders, is not possible.

Finally, we anticipate at some stage, that our clients will be seeking to have their interest in the Property recognised by the Court and in order to do so, will require legal representation. Our clients' reserve their rights in this regard.

Our clients will rely on this letter on any issue of costs.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Forrest', written in a cursive style.

**Michael Forrest**  
**Responsible Partner**





11/05/2021

Re Properties.htm

**From:** Melissa Caddick [REDACTED]  
**Sent:** Tuesday, 8 November 2016 3:19 PM  
**To:** [REDACTED]  
**Subject:** Re: Properties

Hi Mum and Dad,

as I am putting capital in I will be treating as a business transaction. The motivation being you get in a place closer to all of us which would be easier all round, close to transport and easy access to shops, city, hospitals, [REDACTED] school.

the long term view for me is that once you are both deceased (sorry but it will happen one day), is that it will become another source of income and the final outcome that [REDACTED] will have a place. I would need to pay Adam out 50% of the value of your estate. So with that in mind, capital growth and income are of great consideration. The areas of preference are: Rushcutters Bay, Woollahra, Edgecliff, Double Bay, Bellevue Hill, Rose Bay, Dover Heights, Bondi Junction, with a spend up to \$2m plus stamp duty and costs of \$2.1m.

There is a development being built at 2/9 Cooper Road, Bellevue Hill. See if you can look at that as well tomorrow, it is call The Acre, Bellevue Hill - it is in a good spot. 2/2/1 start at \$1.6 - on speaking with Danny, any of the new builds you pay a premium for but they do look nice.

Kind Regards

Melissa Caddick  
 [REDACTED]

\*\*\*\*\*  
 This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please delete it and notify the sender.  
 \*\*\*\*\*

---

**From:** [REDACTED] >  
**Sent:** Tuesday, 8 November 2016 12:24 PM  
**To:** 'Melissa Caddick'  
**Subject:** RE: Properties

Hi melissa,

Thanks for the info, Interestingly but Dad and I had intended to go and look at 3/30-32 Birriga Rd as we saw it in Wentworth courier, however, we will go at time you suggested 12 - 12.30  
 Other one looks nice as well but think it has upstairs/d'stairs but main bed rm d'stairs. Dad had started looking on Inet & he even looked - at apartment Raleigh park it is garden aptment opening onto golf course, we looked at one 2 years ago similar - he has been looking on pc d'stairs so thats

11/05/2021

Re Properties.htm

encouraging - i have been here all morning and phone rang once.....oh dear.....we are going over to Miranda Apple this arvo and doing a 1hr course for phone should have done ages ago.  
How are all of you, how is oliver?  
Luv Mum n Dadxxxx

**From:** Melissa Caddick [REDACTED]  
**Sent:** Tuesday, 8 November 2016 11:39 AM  
[REDACTED]  
**Subject:** Properties

As discussed with Dad, meet with Danny Doff earlier today:

Thursday 12.00 - 12.30

3/30 Birriga Road, Bellevue Hill (look on internet)

2/2/2 100 sqm internal

\$1.75m - \$2.00m

I can not get to this viewing

Friday viewings being arranged by Danny Doff - between 11am and 1pm

3/69 Dover Road, Dover Heights(look on internet)

3/2/1 120 sqm internal

\$1.65m - \$1.7m

7/2 Clement Street, Rushcutters Bay (Danny has the listing, photo's not taken, advertising has not commenced)

3/2/1 140 sqm internal plus 140 sqm external roof top terrace

\$2m

Spoke with John, he advised to purchase in name of Melissa Caddick and to be held on trust. Benefit, upon your death(s) no death duty or stamp duty. I would benefit from the tax deductions now by getting loan. Would have to get agreement drawn up by Jennifer -ie: right of occupation, 100% of utilities and strata to be paid by EP & BA Grimley till deceased etc etc etc.

Kind Regards

11/05/2021

Re Properties.htm

Melissa Caddick

[REDACTED]

\*\*\*\*\* [REDACTED] \*\*\*\*\*

This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please delete it and notify the sender.

\*\*\*\*\*



[REDACTED]

---

**From:** Melissa Caddick [REDACTED]  
**Sent:** Tuesday, 22 November 2016 11:16 AM  
**To:** [REDACTED]  
**Subject:** Property  
**Attachments:** Edgecliff costing to purchase.xlsx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dad,

all quarterly strata fees can be claimed by Mrs Melissa Caddick as the title will be 100% in the name of Mrs Melissa Caddick.

I have provided \$50k for all work to be done including appliances, again I can claim all of this as the title will be 100% in the name of Mrs Melissa Caddick.

I will be claiming interest costs on the loan. As I won't be receiving income on the purchase (i.e.: no charging rent to you and mum for tenancy as part owners), I need to claim all deductions.

I will attach the spreadsheet(s) (2 sheets in the one workbook)

As you will see I have done calculations based on purchase price of \$2m up to \$2.5m. What I have factored in is \$1m from the sale of your property at settlement. This will be dealt with by Trinh Nguyen my private banker at NAB. She is going to do your settlement and will liaise with Richard Bartalesi.

I have arranged this as I will be in Aspen when settlement occurs. It is ease of management for me and they will have all documentation required signed by me prior to going on 30/12/16. Of course they will contact me if required.

I have spoken at length with [REDACTED] (our accountant) and taken his advice on the title holder being Mrs Melissa Caddick and then for protection of asset for the property to be held in Caddick Services Trust (as is Wallangra Road) and Aspen is held in Caddick Colorado Bear Trust.

When successfully purchased and I see John next week, we will then instruct Jennifer (our solicitor) to prepare an agreement stating that (along the lines of) Title Holder 100% Mrs Melissa Caddick. Capital of \$1m provided by [REDACTED]. [REDACTED] have the right of tenancy on property up until death/or you choose to relocate due to health etc. % will be put in on ownership, then reflected in your wills (it will be an amendment) so that when you both are deceased Adam and I will become joint owners. then it is up to Adam and I to sort out what we do - but the thought is we will just keep it. There will also be an amendment/attachement to my will reflecting same as outlined above re: tenancy and ownership.

Again upon death due to the title being in the name of Mrs Melissa Caddick there will be no taxes due.

So after discussion with John it makes sense for me to pay the strata fees and all the improvements at the beginning at no out of pocket to you and mum.

Does this make sense to you?

Kind Regards

Melissa Caddick

[REDACTED]

\*\*\*\*\*

This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please delete it and notify the sender.

\*\*\*\*\*

Purchase price	Stamp Duty	MC NAB LOAN LVR 80%	MC provide Deposit	MC Cash Provided to settle	Total Purchase Cost	Settle B & T Home	MC NAB outstanding loan
\$ 2,000,000.00	\$ 95,762.60	\$ 1,600,000.00	\$ 200,000.00	\$ 495,762.60	\$ 2,095,762.60	\$ 1,000,000.00	\$ 600,000.00
\$ 2,100,000.00	\$ 101,262.60	\$ 1,680,000.00	\$ 210,000.00	\$ 521,262.60	\$ 2,201,262.60	\$ 1,000,000.00	\$ 680,000.00
\$ 2,200,000.00	\$ 106,762.60	\$ 1,760,000.00	\$ 220,000.00	\$ 546,762.60	\$ 2,306,762.60	\$ 1,000,000.00	\$ 760,000.00
\$ 2,300,000.00	\$ 112,262.60	\$ 1,840,000.00	\$ 230,000.00	\$ 572,262.60	\$ 2,412,262.60	\$ 1,000,000.00	\$ 840,000.00
\$ 2,400,000.00	\$ 117,762.60	\$ 1,920,000.00	\$ 240,000.00	\$ 597,762.60	\$ 2,517,762.60	\$ 1,000,000.00	\$ 920,000.00
\$ 2,500,000.00	\$ 123,262.60	\$ 2,000,000.00	\$ 250,000.00	\$ 623,262.60	\$ 2,623,262.60	\$ 1,000,000.00	\$ 1,000,000.00

NOTE: \$5,500  
per \$100k

21/11/16 - MC spoke with Trinh and got approval up to 80% LVR

18/11/2016 \$ 320.00 Strata Title Search Fee MC Paid

Solicitor: Richard Bartalesi  
[richard@bartalesi.com.au](mailto:richard@bartalesi.com.au)  
Office Phone: 93635413  
Mobile: 0410358876

Suite 12  
17-19 Knox Street  
DOUBLE BAY NSW 2028

NAB - Private Banker: Trinh Nguyen  
[trinh.t.nguyen@nab.com.au](mailto:trinh.t.nguyen@nab.com.au)  
Mobile: 0419 267 482

MAL-1081.0024.0082

	A	B	C	D	E	F	G	H
1	PAINTER	PAUL LESAR						
2		0414 457 882						
3		pavpainting@yahoo.com.au						
4								
5								
6	BUILDER	GARY KNEP			Walk in Robe			
7		0410 502 503			Remove Built in living area			
8		garyknep@me.com			Anything else			
9					Lights			
10								
11	CLEANER	MICHAEL BARBOSA			Weekly clean, do washing, hang out, change bed(s)			
12		JM Facility						
13		0430 223 575						
14								
15	ELECTRICAL	BEN WHITFORD			Stove Top			
16	APPLIANCES	Whitford Appliances			Range Hood			
17		9370 0555			Microwave - matt s steel			
18		165-167 Great North Road			Fridge - matt s steel			
19		Five Dock NSW 2046			Dishwasher - matt s steel			
20					Airconditioning x 2 split units - 1 x ilving 1 x master			
21		Seconds Factory Clearance Outlet			Oven - matt s steel			
22		9370 0550			Sink - matt s steel			
23		4-8 East Street			Taps & filtered tap in kitchen? - matt s steel			
24		FIVE DOCK NSW 2046						
25								
26		whitfordshomeappliances.com.au						
27								
28	ELECTRICIAN	JOHN						
29		0414 954 323						
30								
31	LIGHTS	BEACON LIGHTING			GET ALL LED LIGHTING			
32		Homemaker Centre			FLUSH MOUNTS			
33		Cnr O'Riordan & Doody Street						
34		ALEXANDRIA						
35								
36								
37								
38								
39	CARPET	CARPETERIA BONDI JUNCTION						
40		17 Newland Street						
41		BONDI JUNCTION NSW						
42								
43		9389 4389						



[REDACTED]

---

**From:** Melissa Caddick [REDACTED]  
**Sent:** Monday, 28 November 2016 2:32 PM  
**To:** [REDACTED]  
**Subject:** [REDACTED]  
**Attachments:** Exchange Ocean Street-Edgecliff.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attached please find copy of exchanged contract, summary of costs, money flows, who made what contributions and finally % of ownership.

I am providing this to John and Jennifer. Jennifer will draft a document reflecting discussions about ownership and tenancy for all parties to sign and attach to existing wills as an "Annexure"

Kind Regards

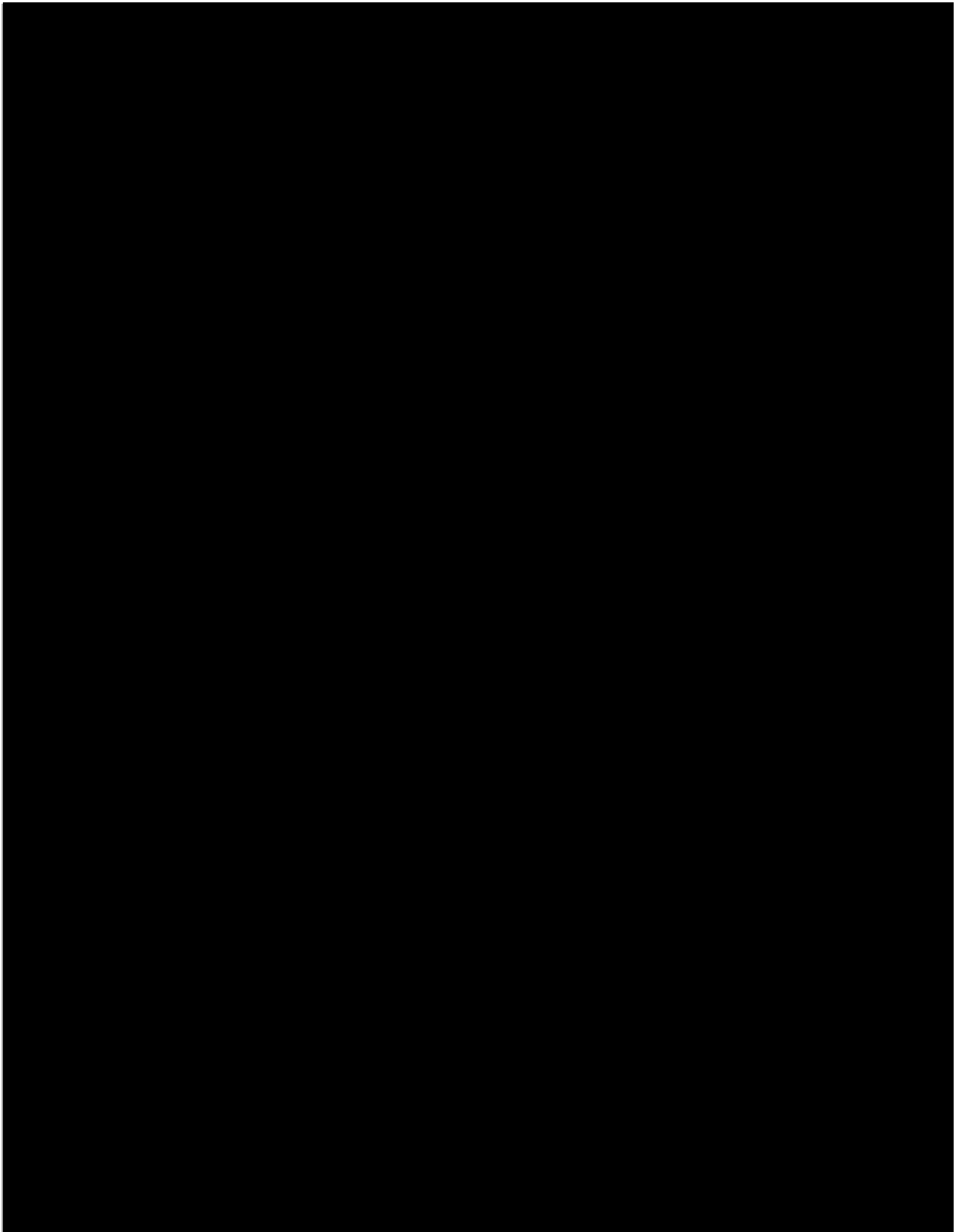
Melissa Caddick  
[REDACTED]

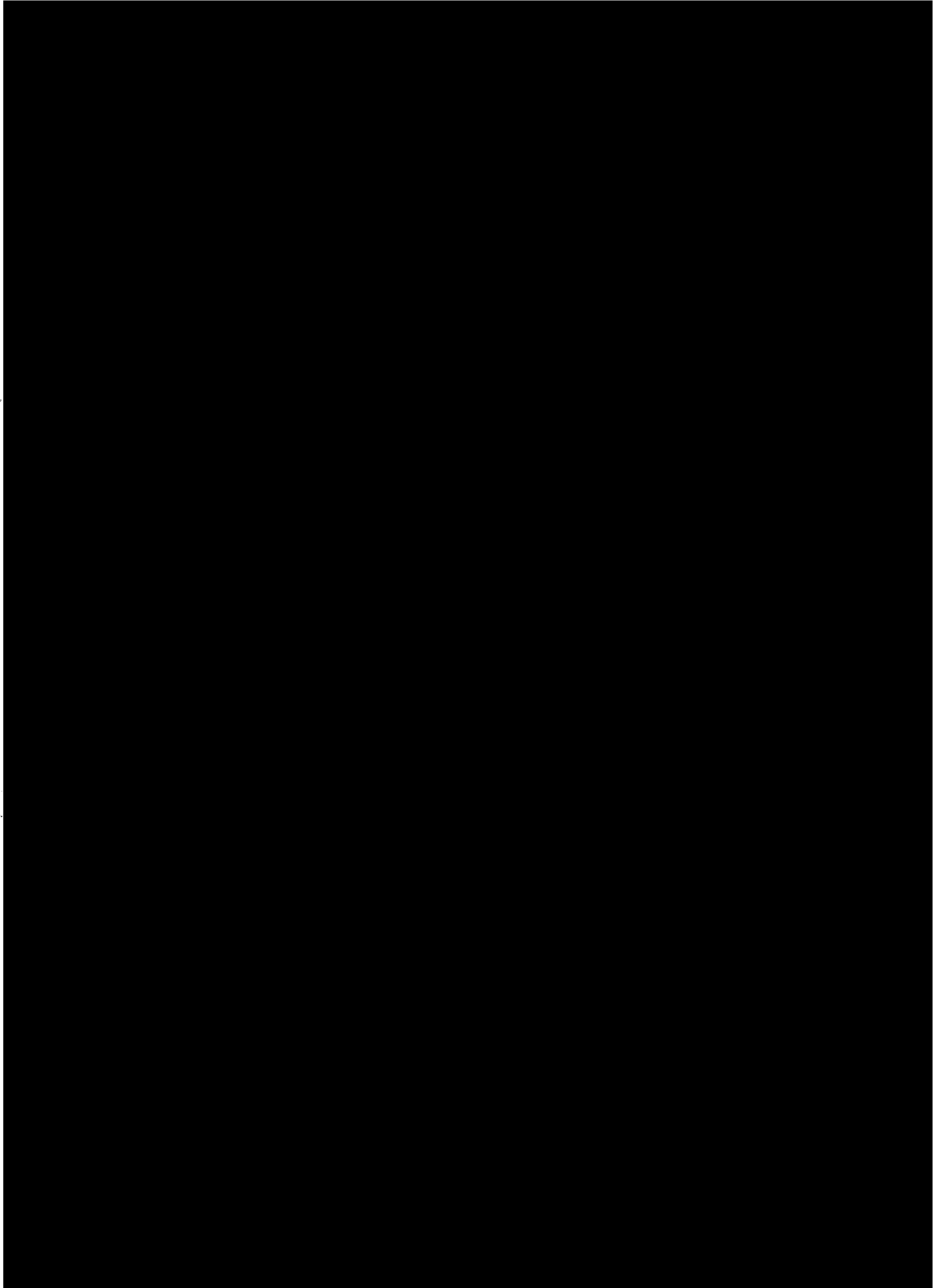
\*\*\*\*\*

This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please delete it and notify the sender.

\*\*\*\*\*

37







## SECTION 66W CERTIFICATE

RICHARD BARTALESI  
SOLICITOR

Suite 303B, 30 - 38 Bay Street  
Double Bay NSW 2028


Tel: 02 9363-5413 Fax: 02 9363-9869

I, \_\_\_\_\_, certify as follows:-

1. I am a SOLICITOR currently admitted to practise in New South Wales.
2. I am giving this Certificate in accordance with Section 66W of the Conveyancing Act 1919 with reference to a Contract for the sale of property at \_\_\_\_\_, from Eva Maria Genevieve Matiszik to MELISSA CADDICK in order that there is no cooling off period in relation to that Contract.
3. I do not act for Eva Maria Genevieve Matiszik and am not employed in the legal practice of a solicitor acting for Eva Maria Genevieve Matiszik nor am I a member or employee of a firm of which a Solicitor acting for Eva Maria Genevieve Matiszik is a member or employee.
4. I have explained to the purchaser/s:
  1. the effect of the Contract for the purchase of that property;
  2. the nature of this Certificate;
  3. the effect of giving this Certificate to the vendor, ie. that there is no cooling off period in relation to the Contract.

DATED: 25/11/16

R. Bartalesi

 National Australia Bank Limited  
National Australia Bank House Branch  
255 George Street Sydney NSW

Pay Sotheby's Date 26.11.2016  
the sum of two hundred & fifty five reg or bearer \$ 255,000.00  
thousand dollars only  
MELISSA LOUISE CADDICK  
not original

[Redacted]

**Michael Clarebrough**

---

**From:** Melissa Caddick [REDACTED]  
**Sent:** Tuesday, 29 November 2016 11:56 AM  
**To:** [REDACTED]  
**Subject:** Review document attached  
**Attachments:** Directors for Purchase & Sale 291116.docx

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Mum and Dad,

attached is a document I have prepared for meeting with Richard on Thursday.

I have outlined where the funds are to be paid upon settlement of sale of connells point.

If you want to change the bank account details I have included for you (point number 3), update it on the attached document, print and bring to Richard Thursday.

Kind Regards

Melissa Caddick  
[REDACTED]

\*\*\*\*\*

This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please delete it and notify the sender.

\*\*\*\*\*

**MRS MELISSA CADDICK**

**PURCHASE OF** [REDACTED]

Liaise with Trinh – she knows where the funds are.

Trinh Nguyen  
0419-267-482

[REDACTED]

**SALE OF** [REDACTED]

Funds to be directed as follows:

1. Pay out Macquarie loan – documentation provided to Richard on 1/12/16
2. \$1,000,000.00 pay to:

Mrs Melissa Caddick  
National Australia Bank

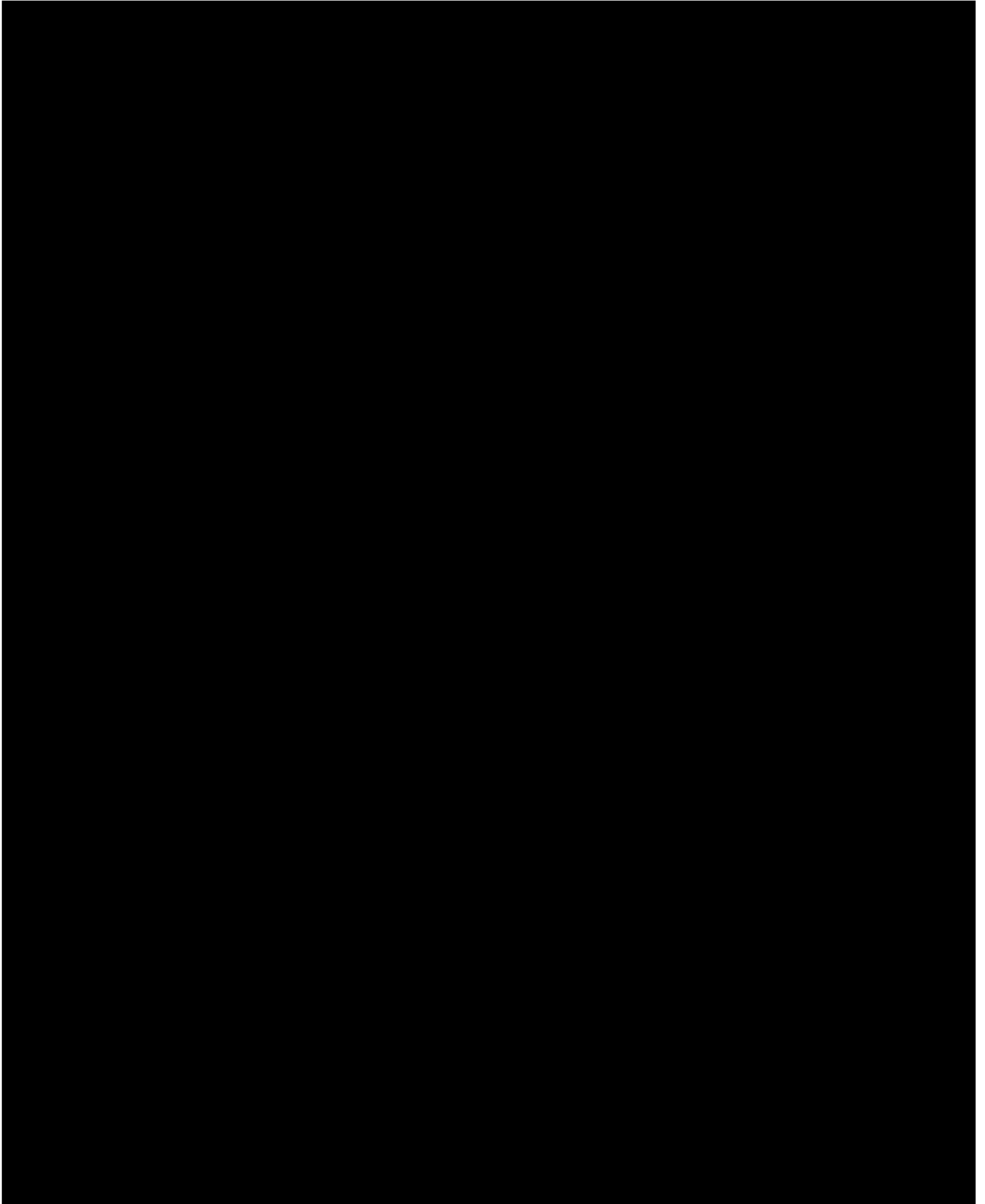
[REDACTED]  
[REDACTED]

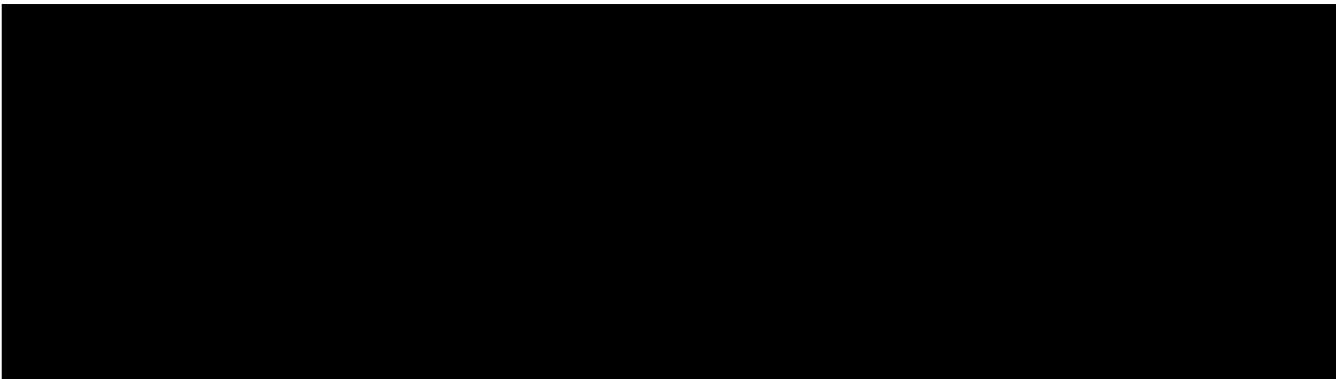
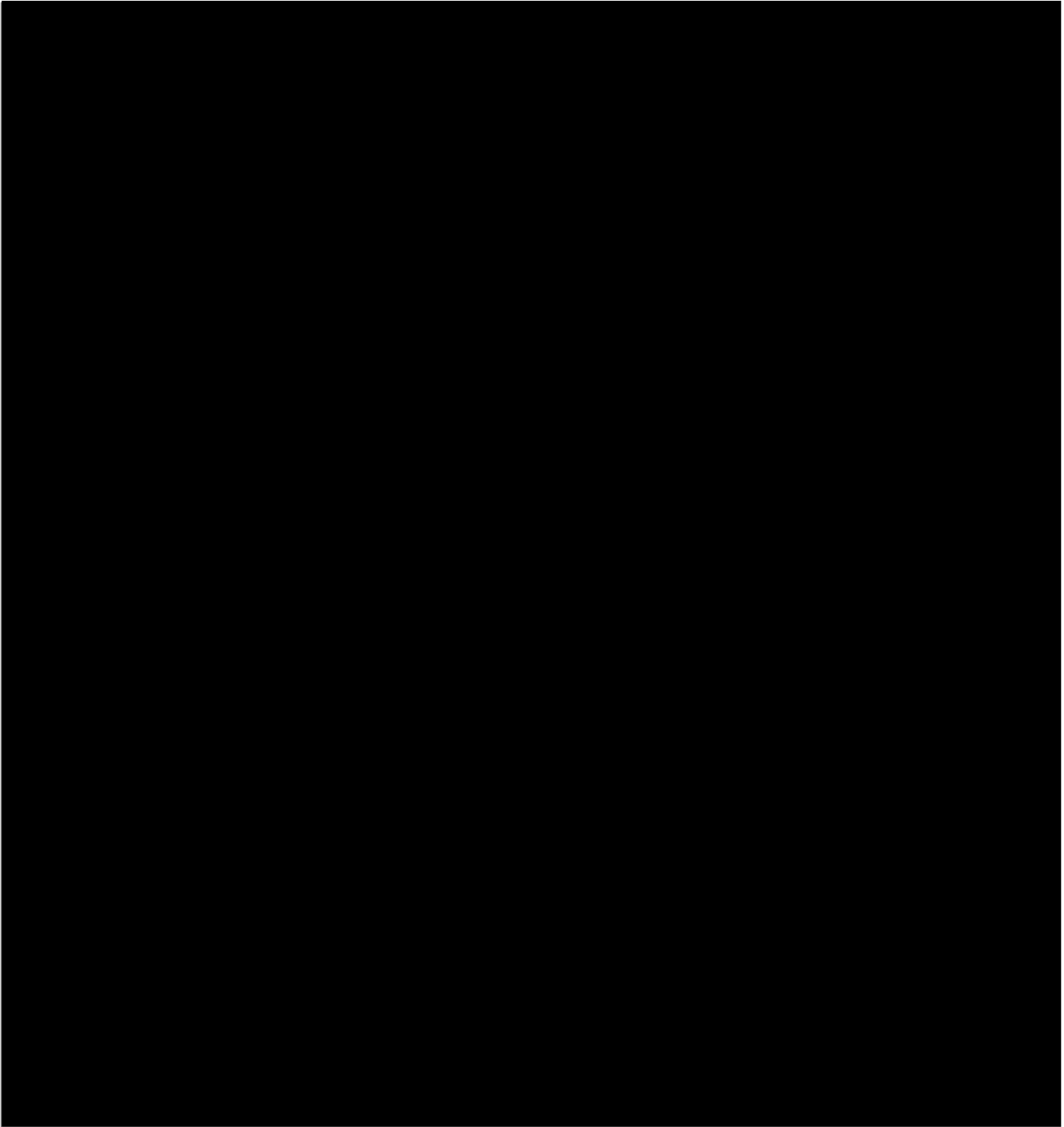
3. Remaining proceeds to be paid to:

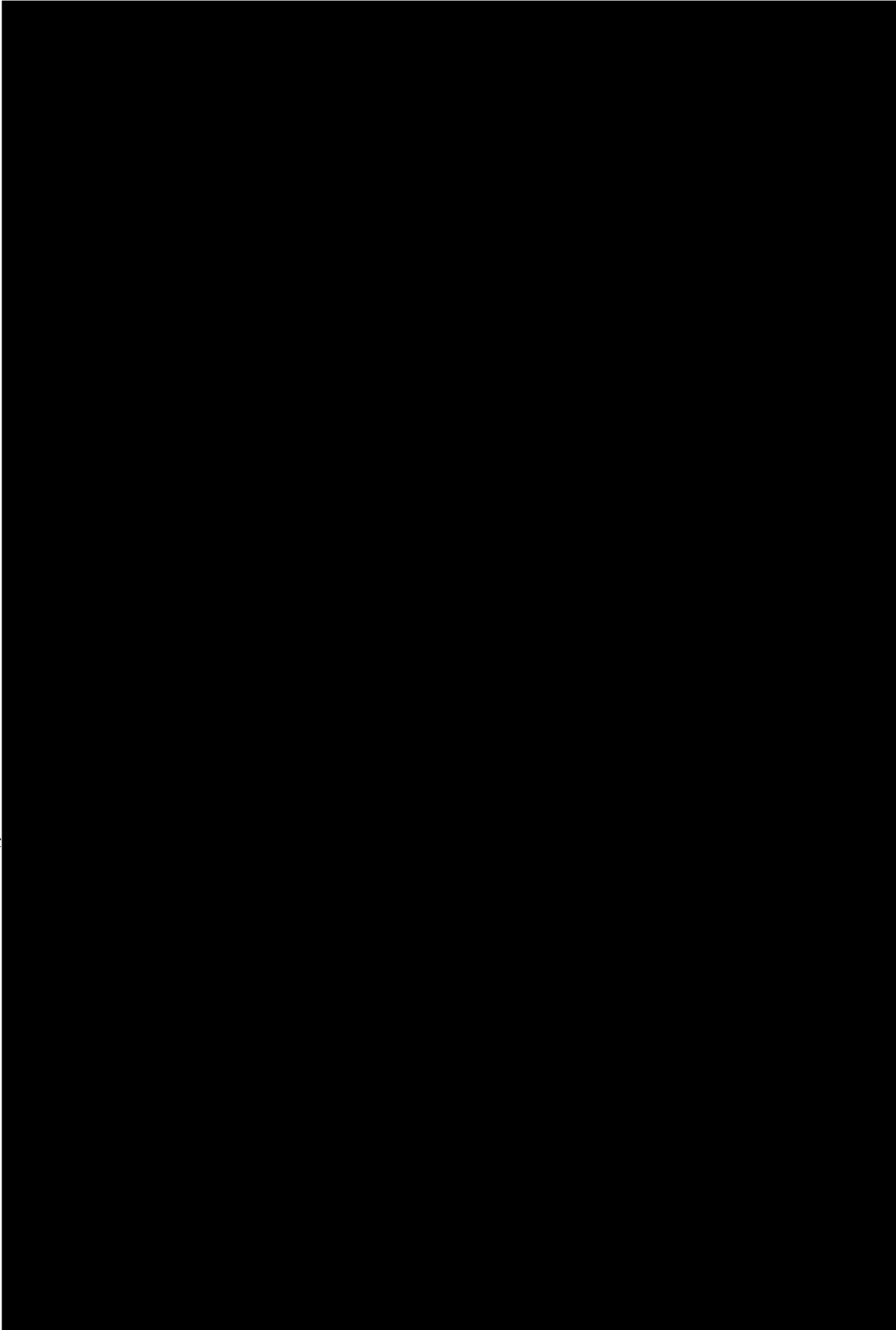
[REDACTED]  
National Australia Bank

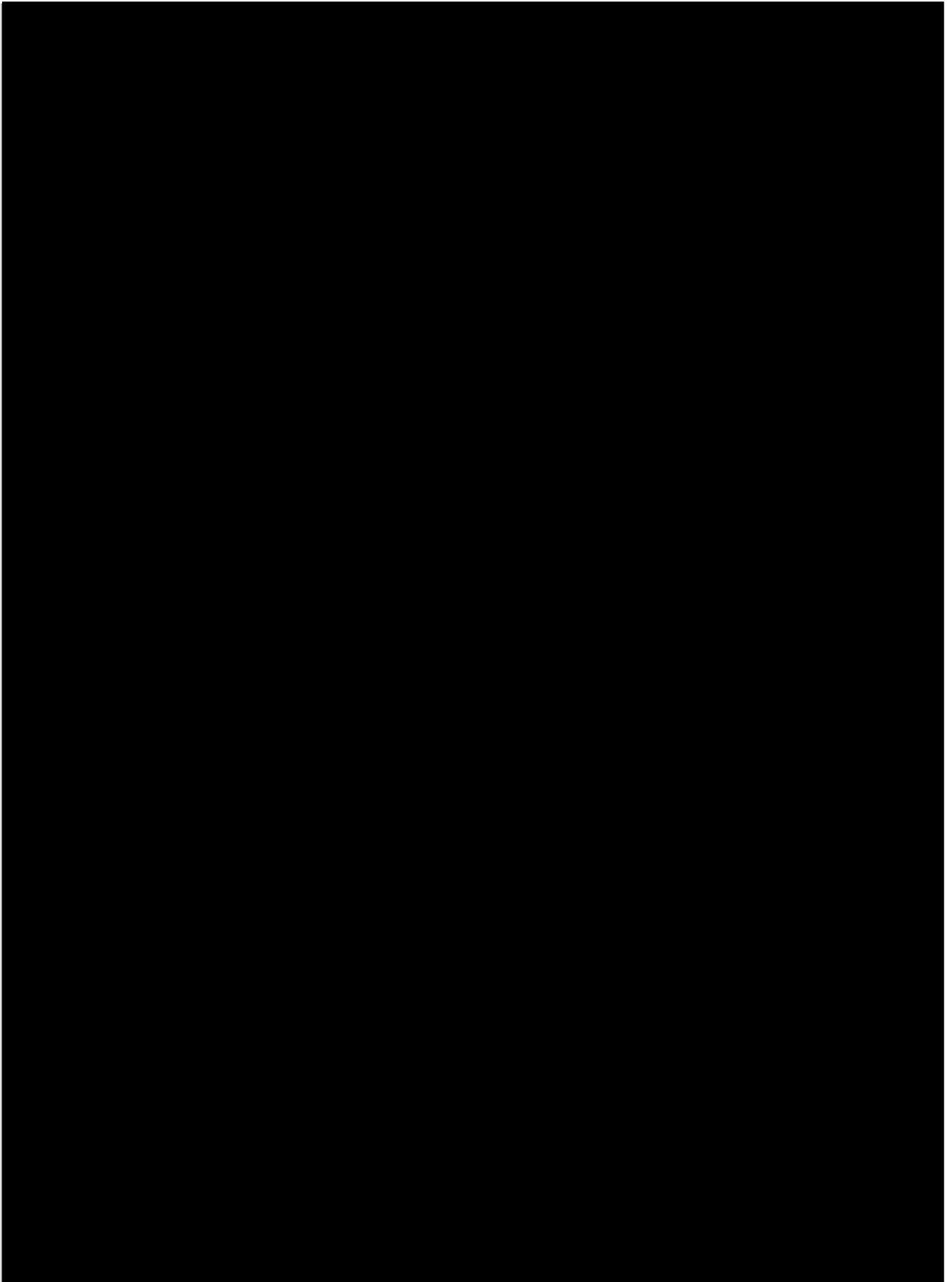
[REDACTED]  
[REDACTED]

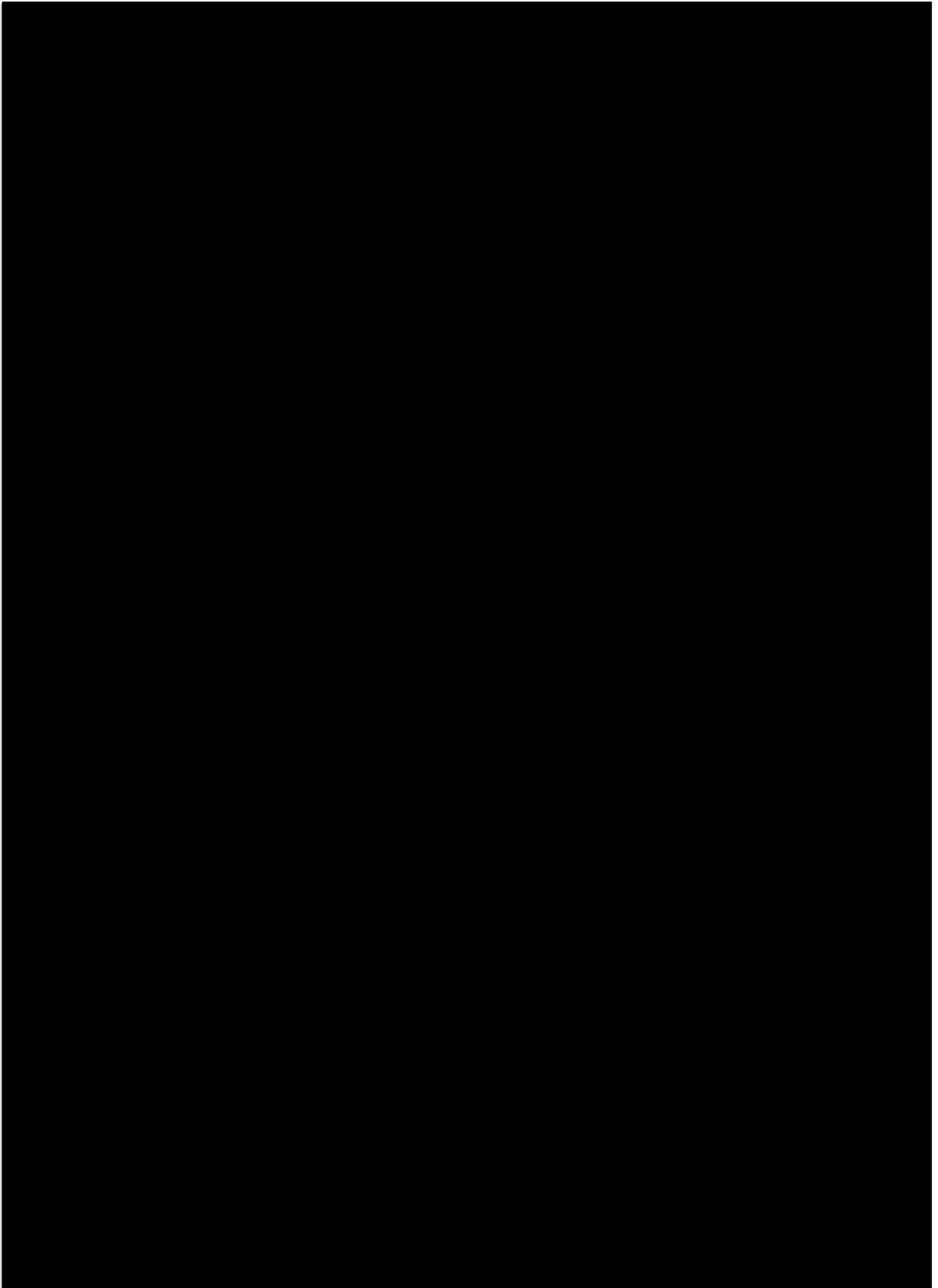




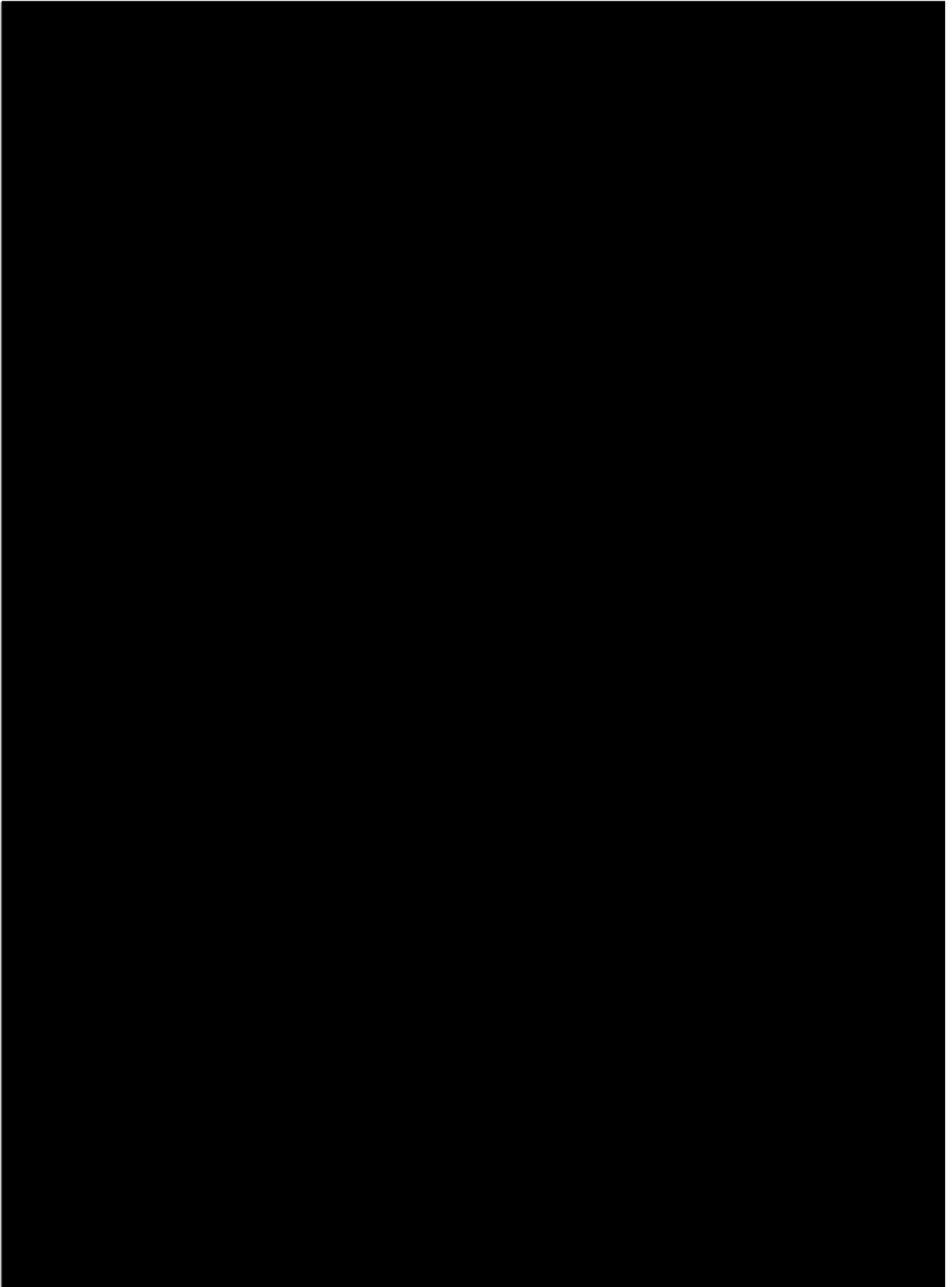


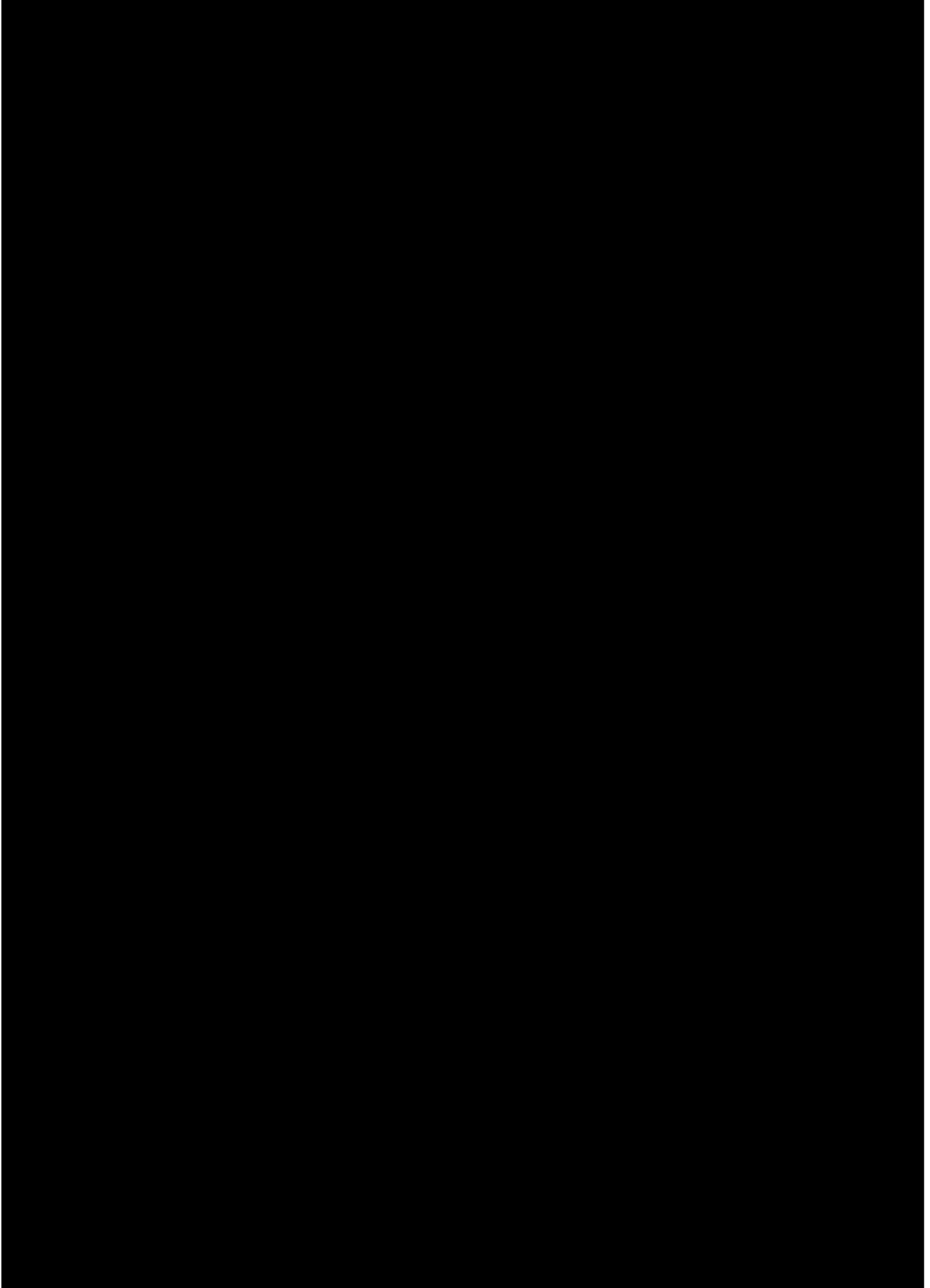


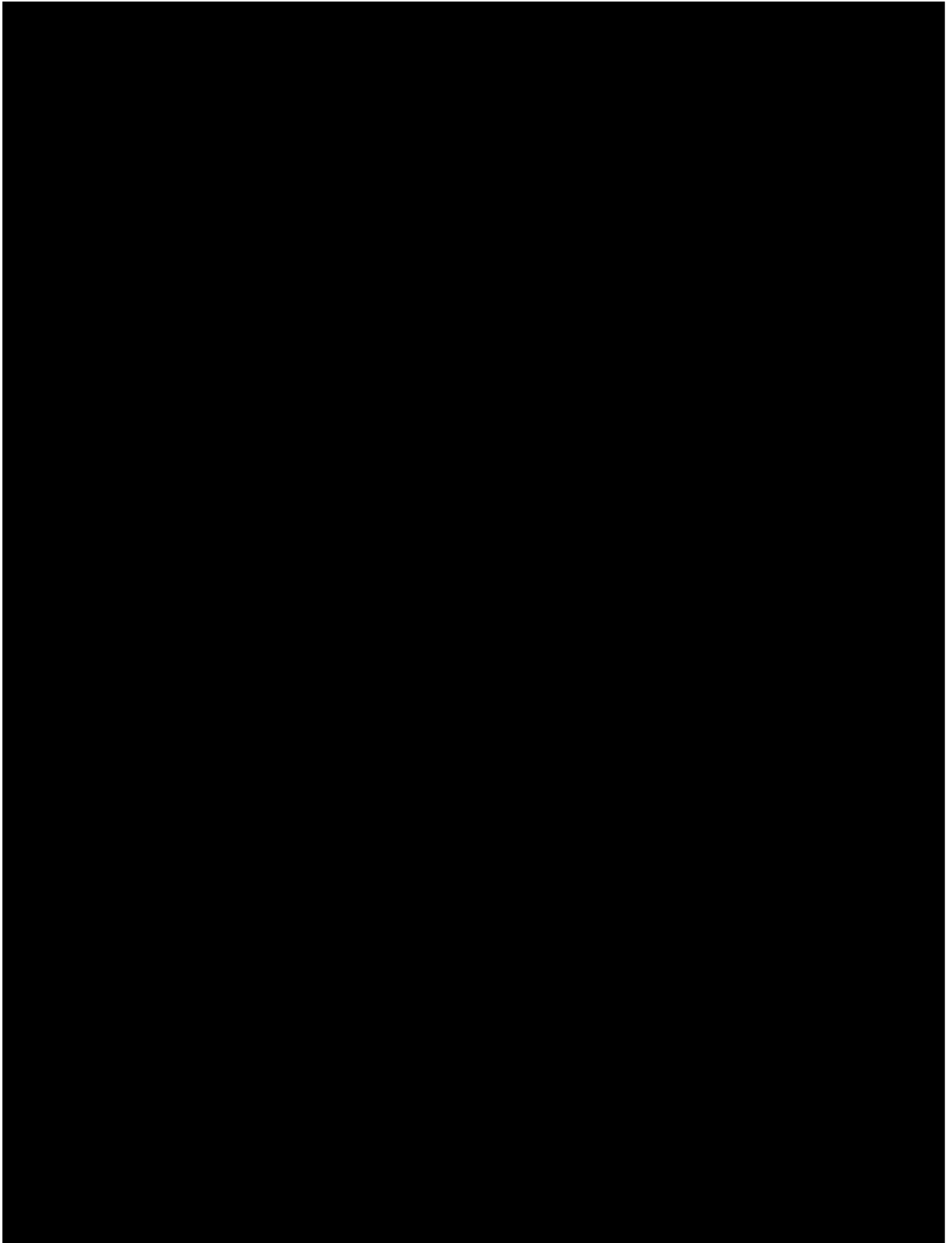


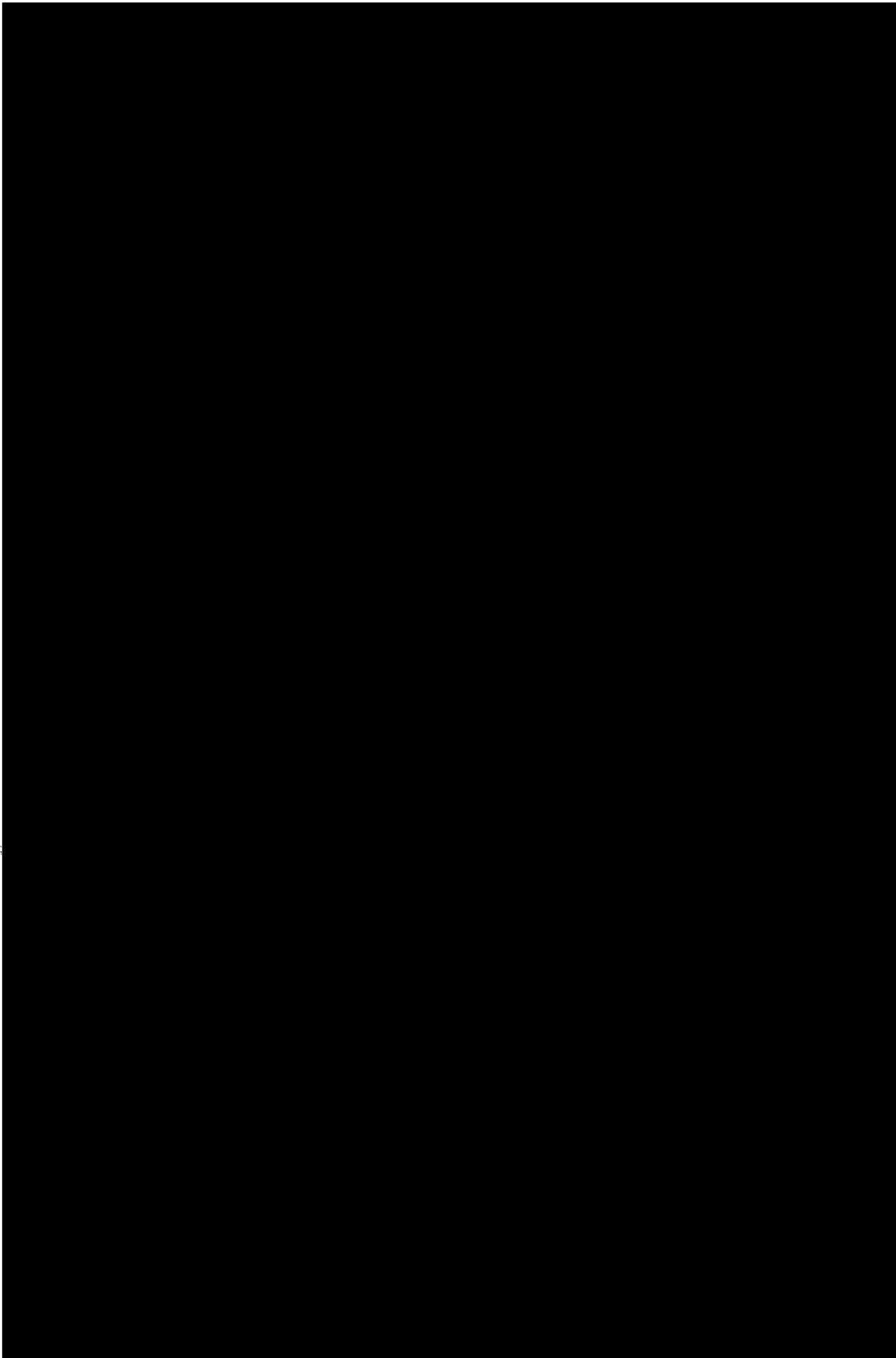


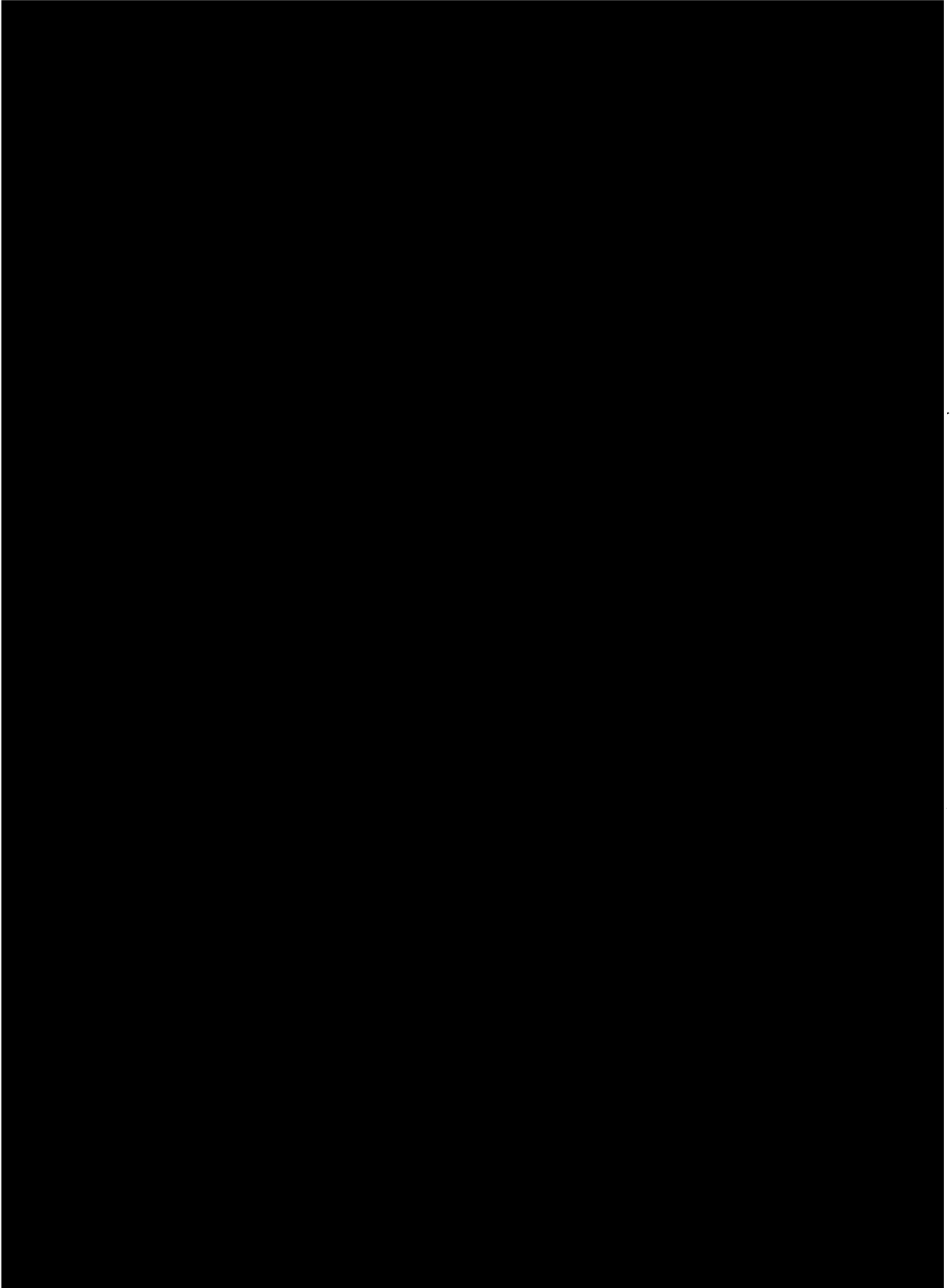


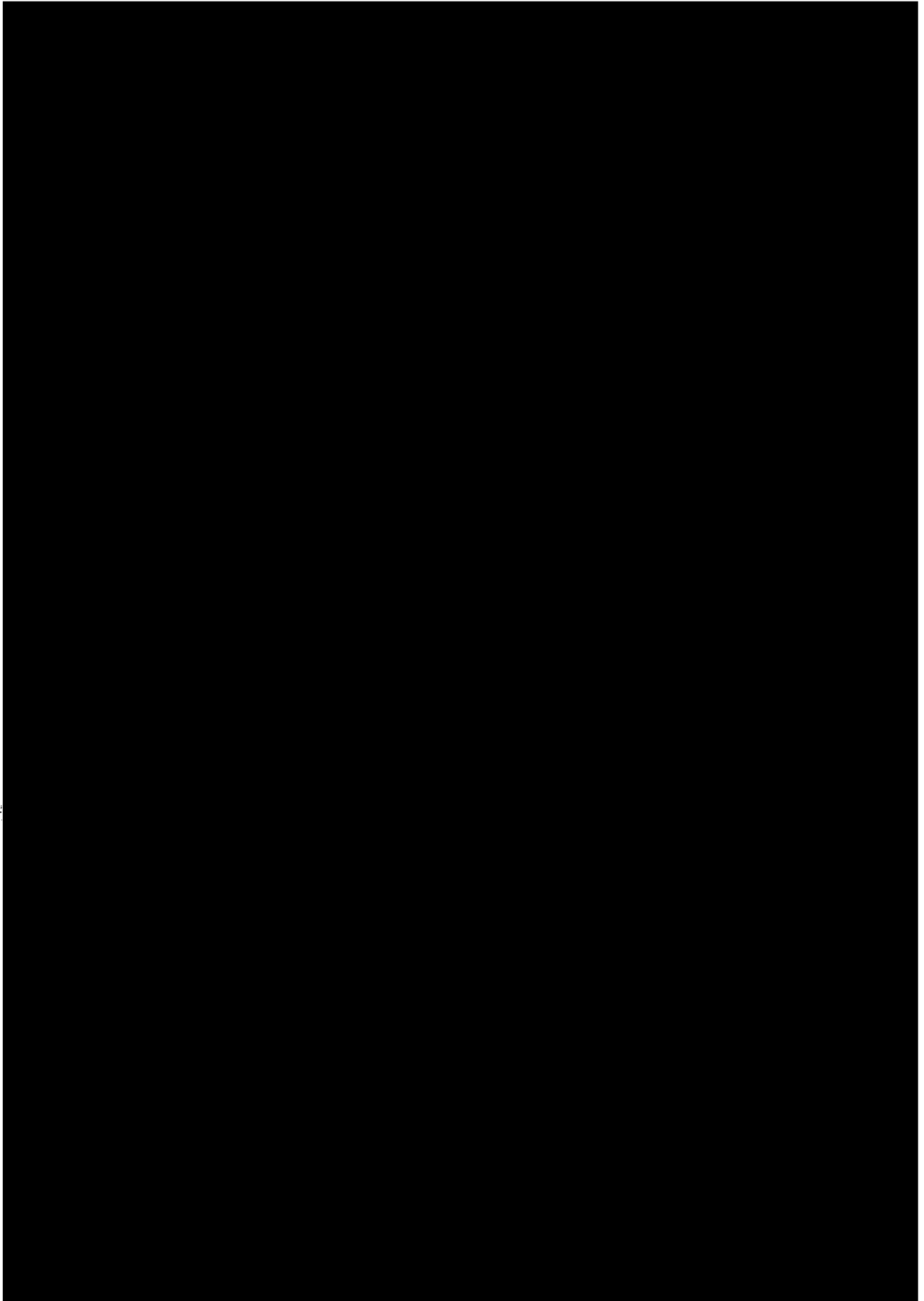




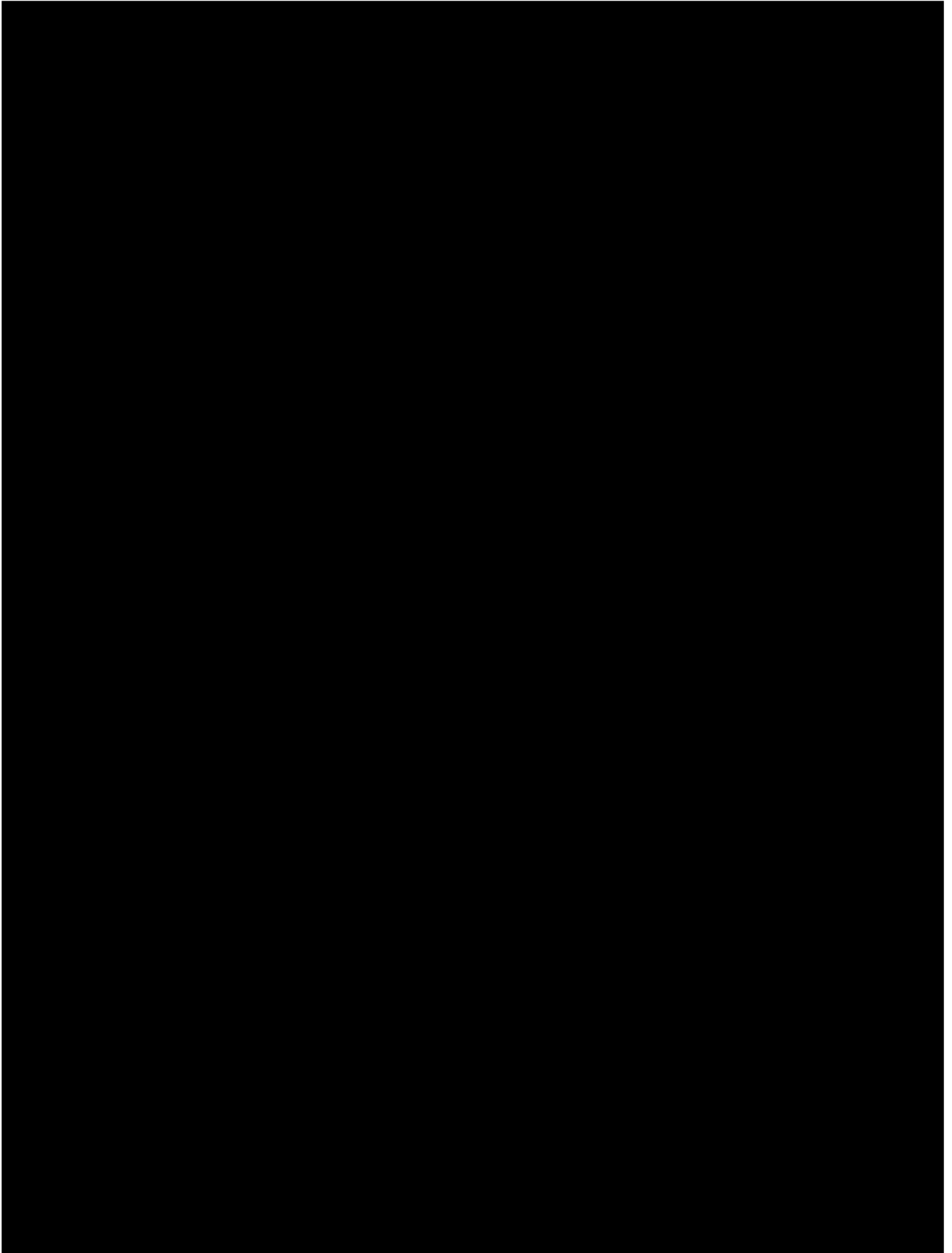


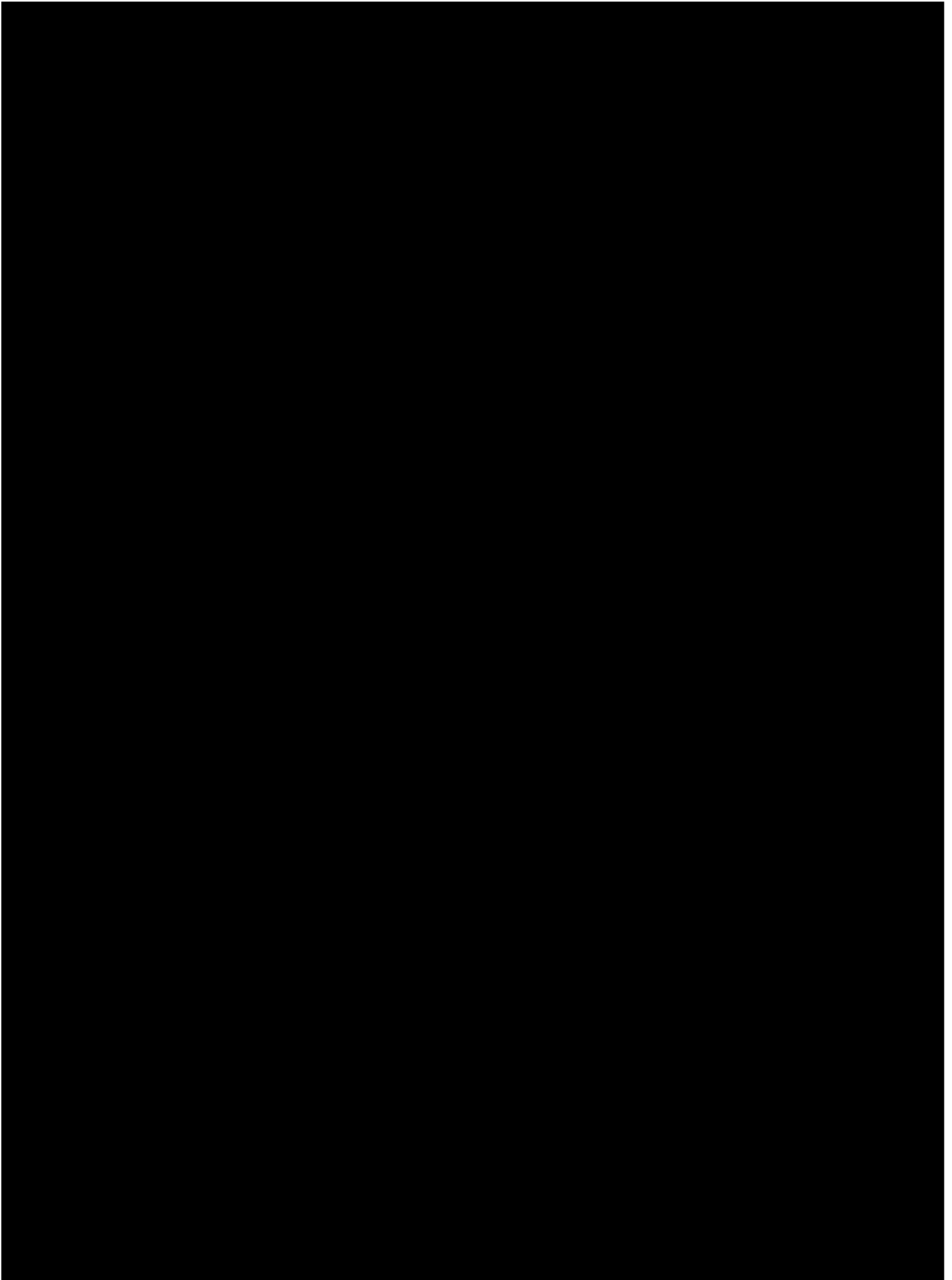


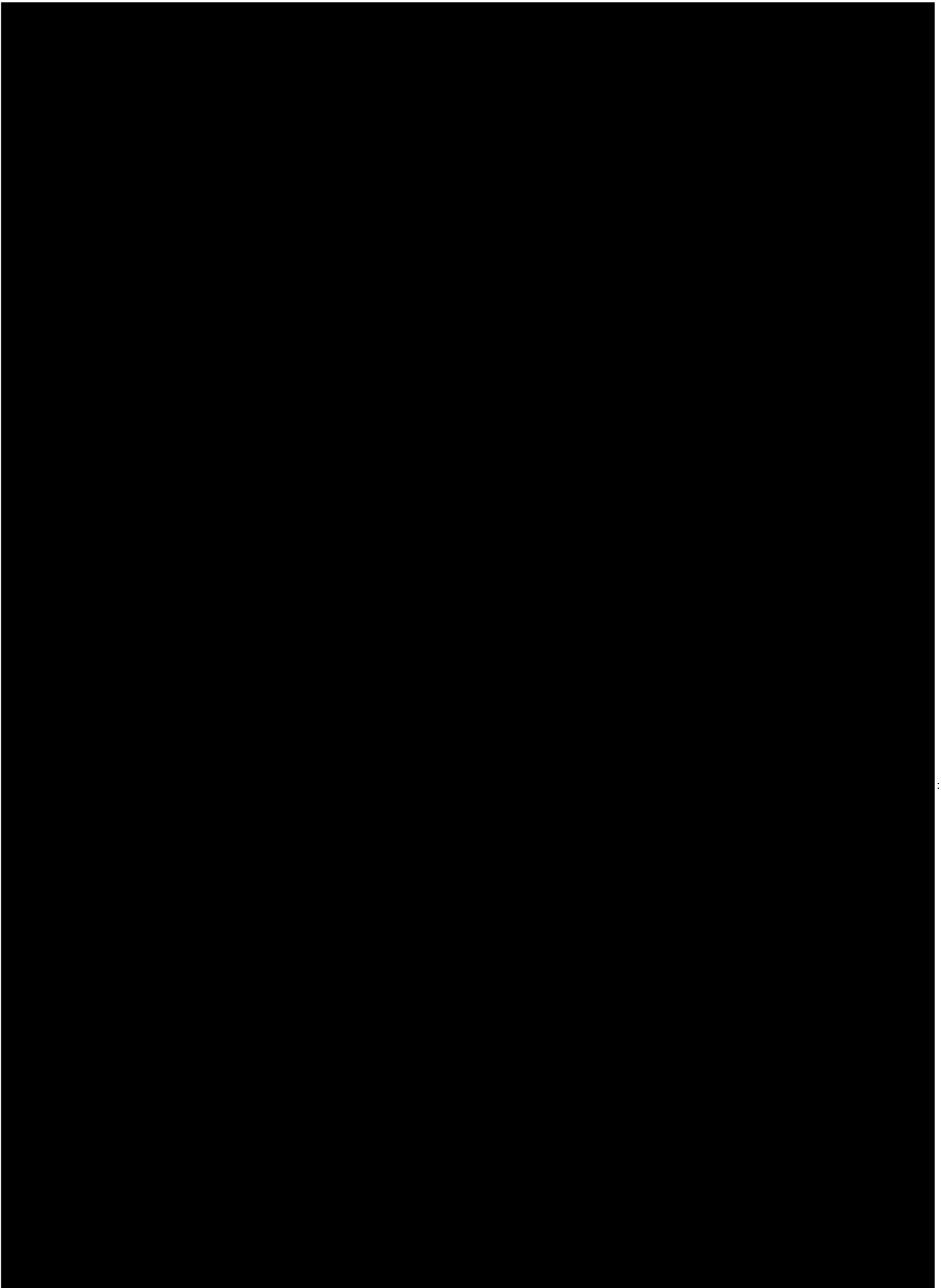


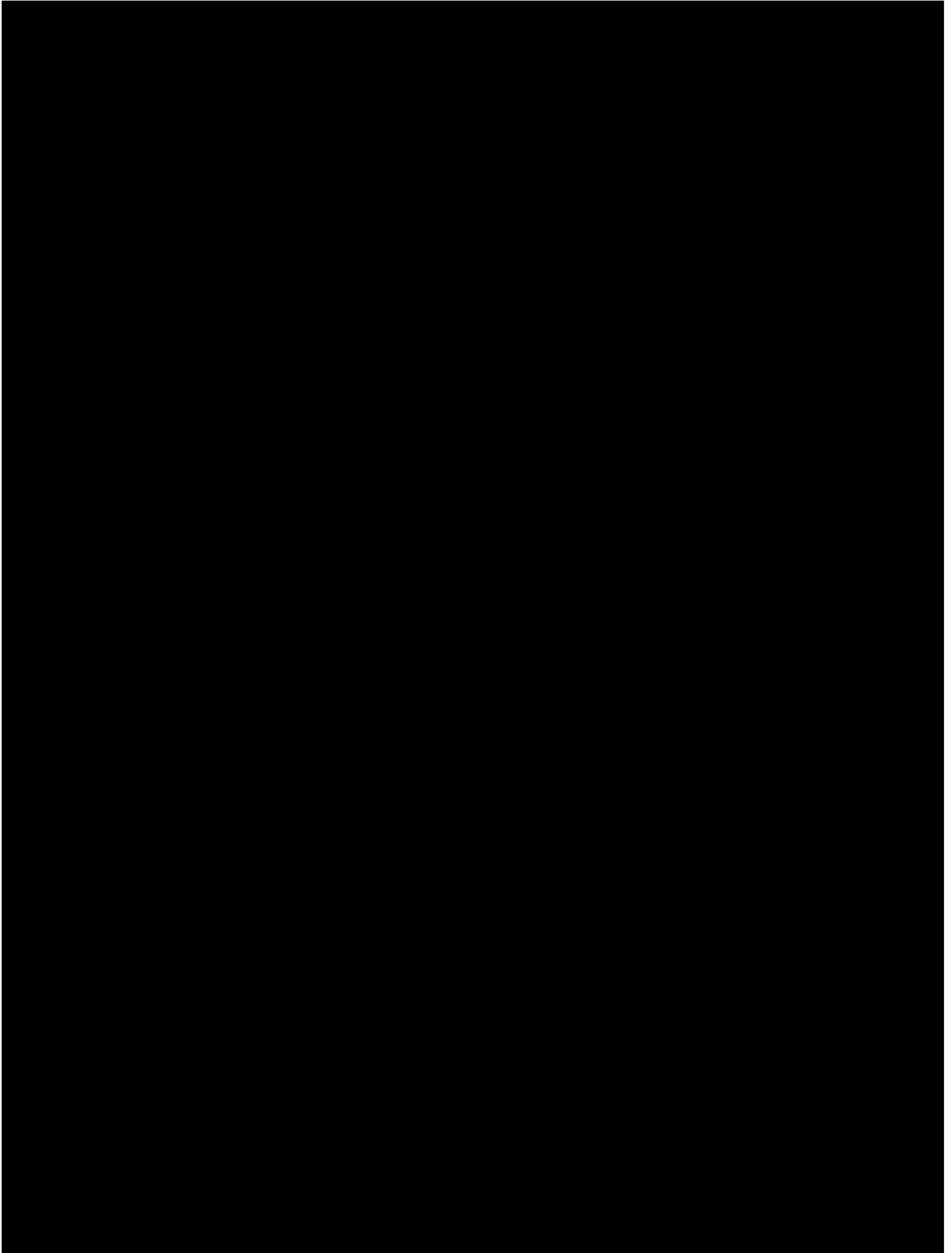


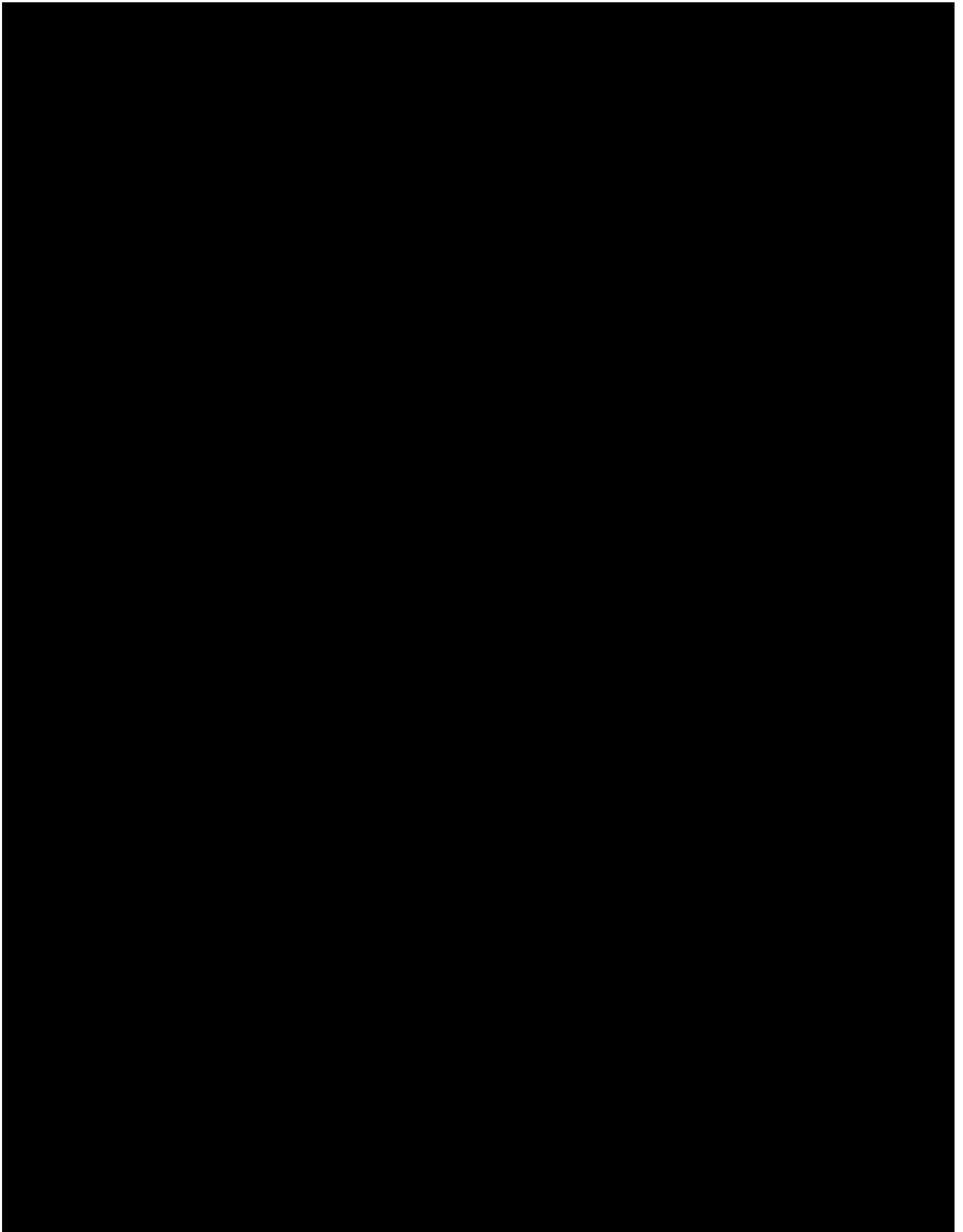


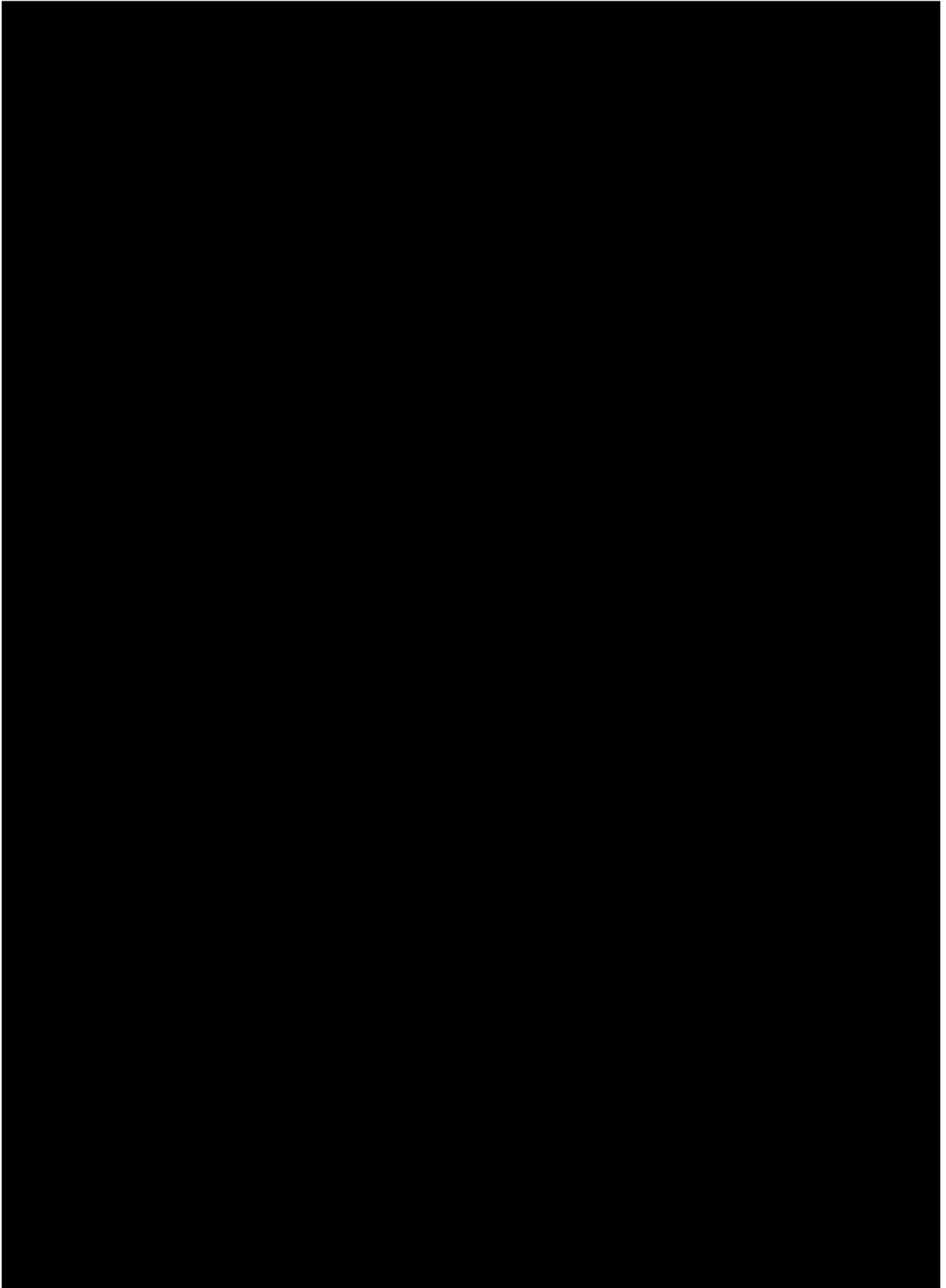




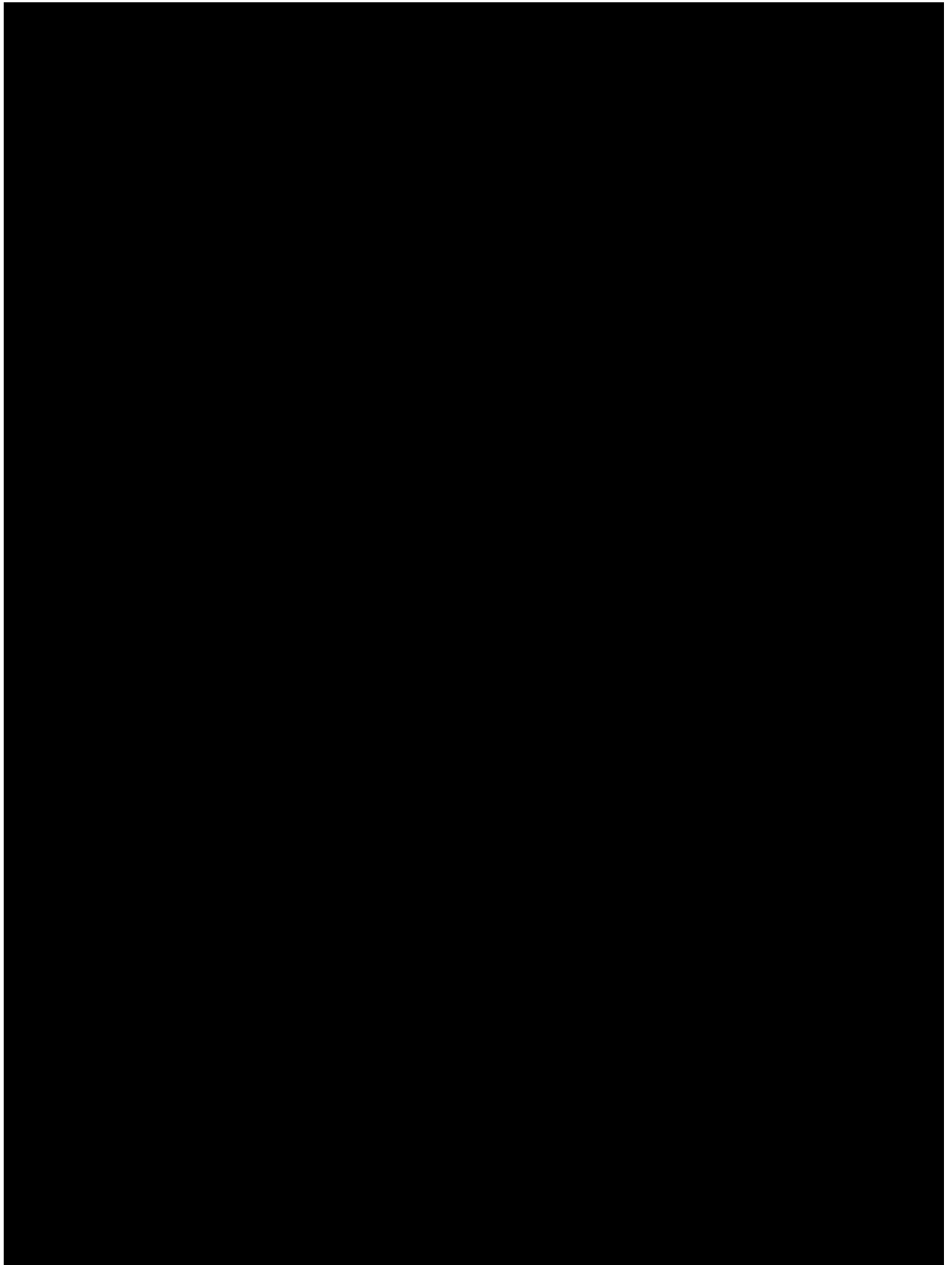


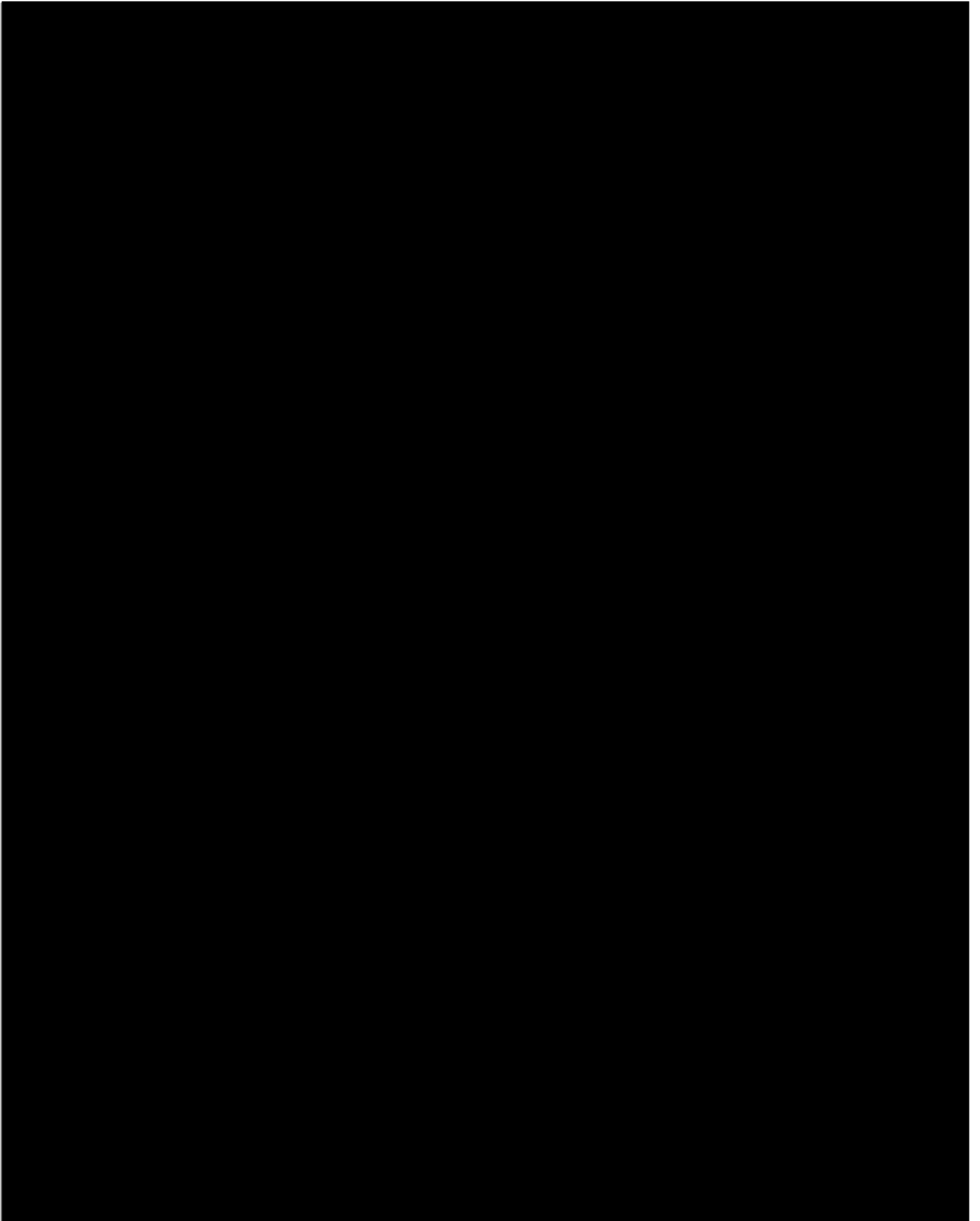














MAL.1081.0024.0111

64

REST Professional Software System (15.0.07)

Date: 03/04/17

Page: 001

© Copyright 2017 - Rockend Technology Pty Ltd

Laing &amp; Simmons Double Bay

Laing &amp; Simmons Double Bay P/L T/A Laing &amp; Simmons Double Bay Sales Trust Account

## EFT PAYMENTS LIST

Written to disk on 03/04/17

Alpha	Name	Payee name	BSB	Account	Transaction reference	Amount
QUEENS56		Melissa Caddick				\$ 32450.40
						<u>32450.40</u>

1 EFT credit transactions written to disk plus a debit transaction for the total.

EFT Reference No: 000661 Date: 03/04/17 User: Vivien Torjai

Signature:

ABA file created and saved to R:\RESTADVERT\Data\aba.aba

## SETTLEMENT STATEMENT

MATTER: Lymberis purchase from Edward Patrick And Barbara Anne Grimley  
 PROPERTY: [REDACTED]  
 SETTLEMENT DATE: 07 April 2017  
 SETTLEMENT PLACE: SA Global - Level 3, 60 Castlereagh Street Sydney  
 SETTLEMENT TIME: 12.00 p.m.

	Payable by Vendor	Payable by Purchaser
PURCHASE PRICE		1,510,000.00
LESS DEPOSIT		75,500.00
BALANCE PURCHASE MONEY		1,434,500.00
COUNCIL RATES – \$1,459.70 treated as paid for the financial year 01 July 2016 to 30 June 2017 Proportion payable by Purchaser 84/365 days		335.93
WATER RATES – \$168.38 treated as paid for the quarter 01 April 2017 to 30 June 2017 – Proportion payable by Purchaser 84/91 days		155.43
SETTLEMENT VENUE FEE – Purchaser allows		44.00
INTEREST UNDER CONTRACT – from 01 April 2017 to 07 April 2017 - 7 days on \$1,434,500.00 @ 8.00% per annum – Purchaser allows		2,200.88
LICENCE FEE – Purchaser allows		750.00
WATER USAGE – (based on previous usage) 24/11/2016 - 07/04/2017 = 134 days at 0.706kL per day = 94.604kL @ 200 cents per kL Vendor allows	189.21	
REGISTRATION FEES - ON DISCHARGE OF MORTGAGE Vendor allows	136.30	
TOTAL	\$325.51	\$1,437,986.24
LESS AMOUNT PAYABLE BY VENDOR		\$325.51
CONTRACT BALANCE		\$1,437,660.73

CHEQUES REQUIRED BY VENDORS ON SETTLEMENT	
1. Trust cheque in favour of Georges River Council	566.00
2. Trust cheque in favour of Sydney Water	29.77
3. Bank cheque in favour of LegalStream	44.00
4. Bank cheque in favour of Richard Bartalesi & Associates	2,200.00
5. Bank cheque in favour of Perpetual Limited	280,103.87
6. Bank cheque in favour of Melissa Caddick	1,154,717.09
TOTAL	\$1,437,660.73

APPROVED ON THE 7 DAY OF APRIL 2017.

per:

Edward Patrick Grimley

per:

Barbara Anne Grimley

Richard Bartalesi & Associates  
Suite 303b, 30 - 36 Bay Street  
DOUBLE BAY NSW 2028

SETTLEMENT AUTHORITY

RE: [REDACTED]  
[REDACTED]

We hereby authorise you to direct the purchaser to draw the following cheques on settlement of our sale of the abovementioned property as follows:

SETTLEMENT CHEQUES	
1. Trust cheque in favour of Georges River Council	566.00
2. Trust cheque in favour of Sydney Water	29.77
3. Bank cheque in favour of LegalStream	44.00
4. Bank cheque in favour of Richard Bartalesi & Associates	2,200.00
5. Bank cheque in favour of Perpetual Limited	280,103.87
6. Bank cheque in favour of Melissa Caddick	1,154,717.09
TOTAL	\$1,437,660.73

AGREED & APPROVED ON 7 DAY OF APRIL, 2017

PER: [REDACTED]

PER: [REDACTED]



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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff


**MELISSA LOUISE CADDICK and another**

Defendants

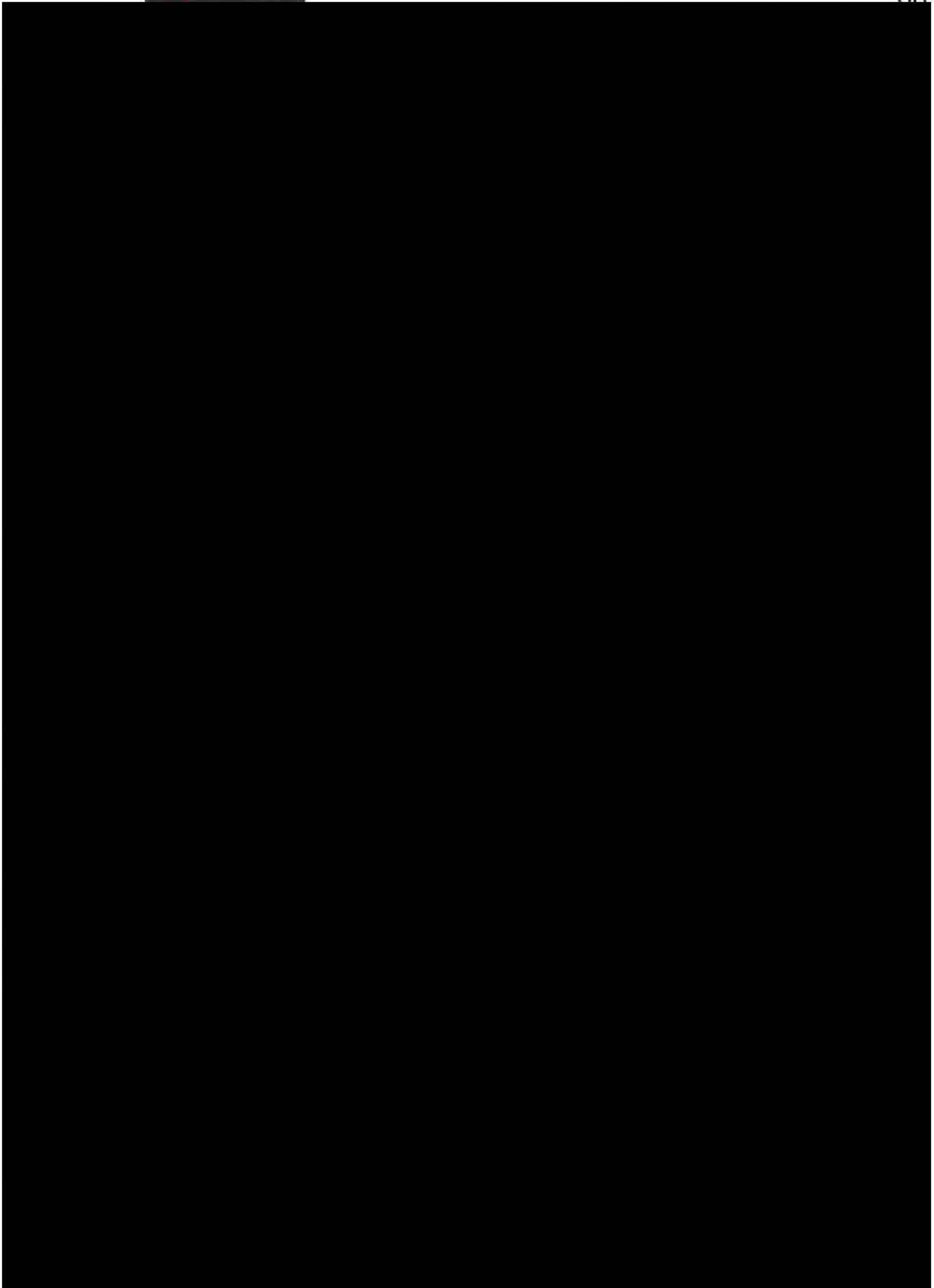
**Exhibit BG-4**

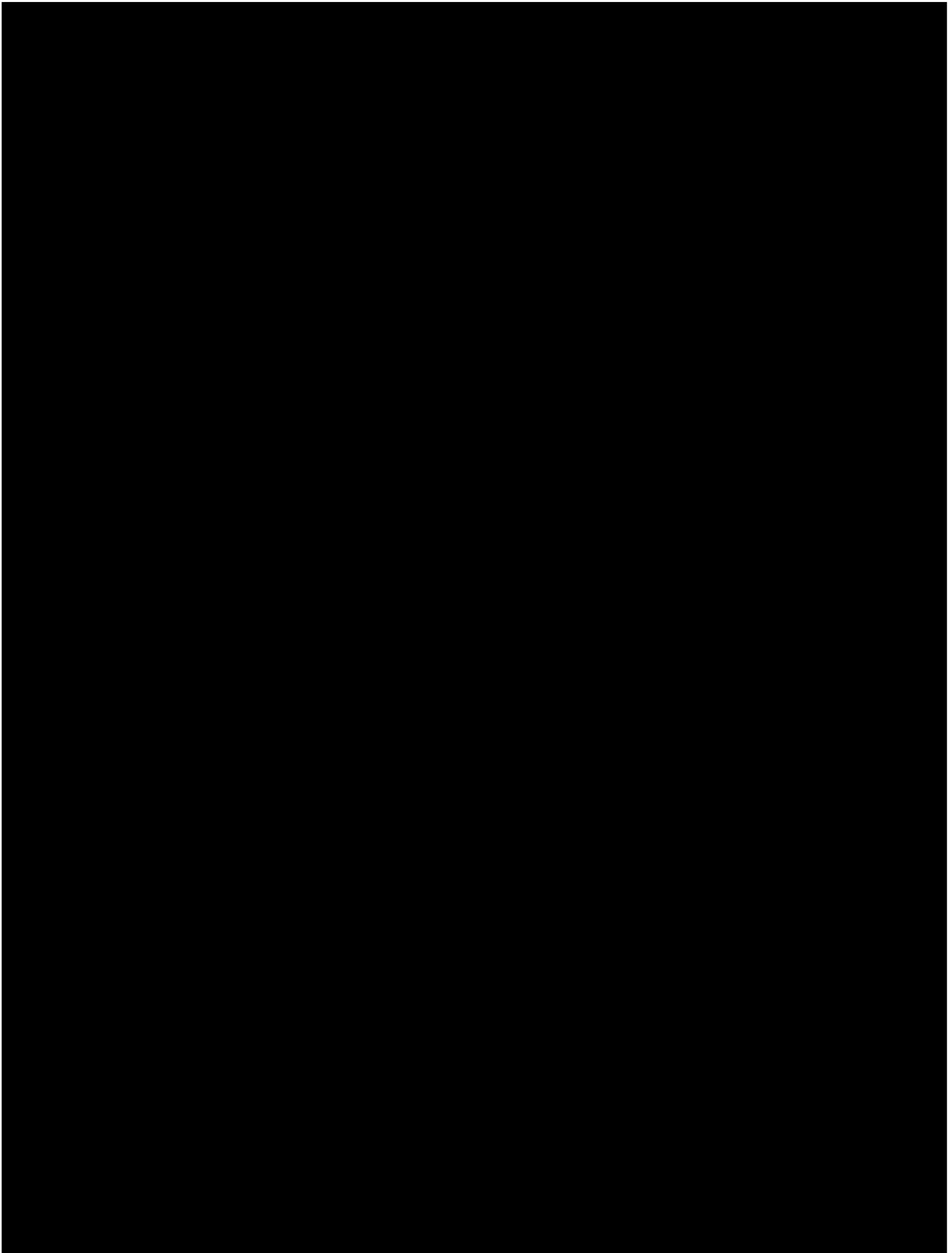
This is the exhibit referred to as **Exhibit BG-4** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....

  
 Martin Dhe Vin  
 Justice of the Peace in NSW (203335)

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		





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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

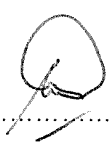
Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

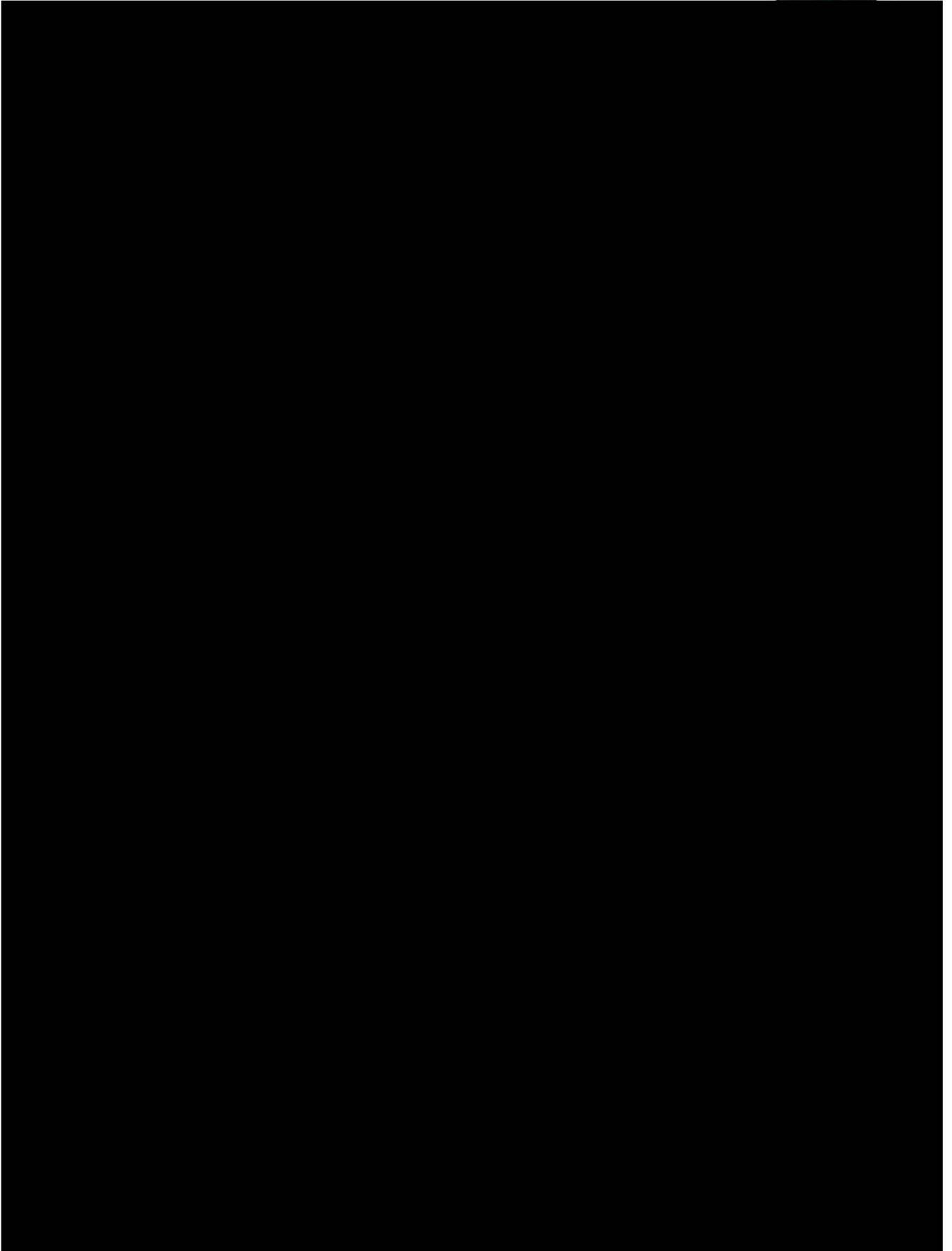
**Exhibit BG-5**

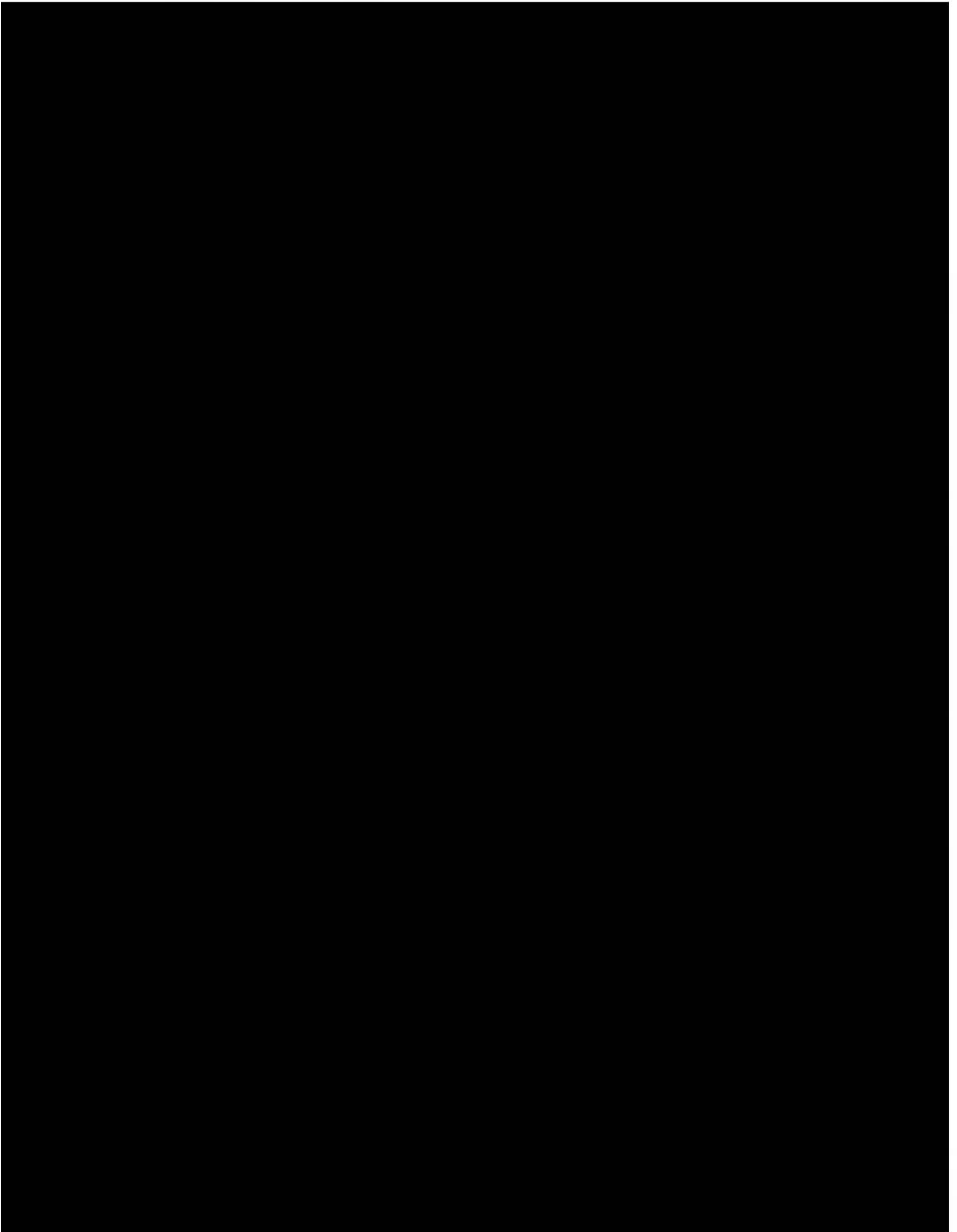
This is the exhibit referred to as **Exhibit BG-5** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:  .....

Martin Dine Vn  
 Justice of the Peace in NSW (203335)

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		





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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-6**

This is the exhibit referred to as **Exhibit BG-6** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

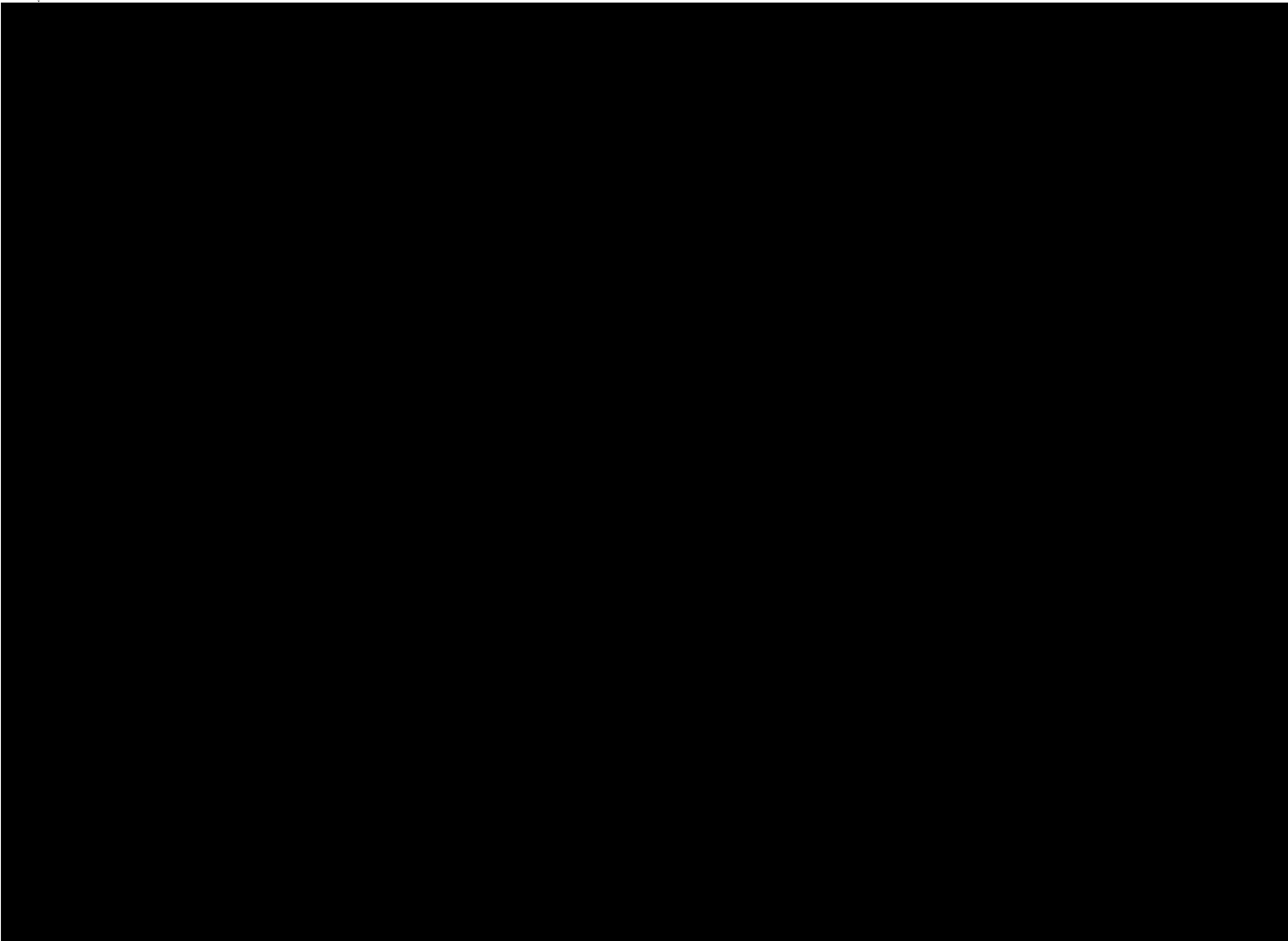
Before me:.....

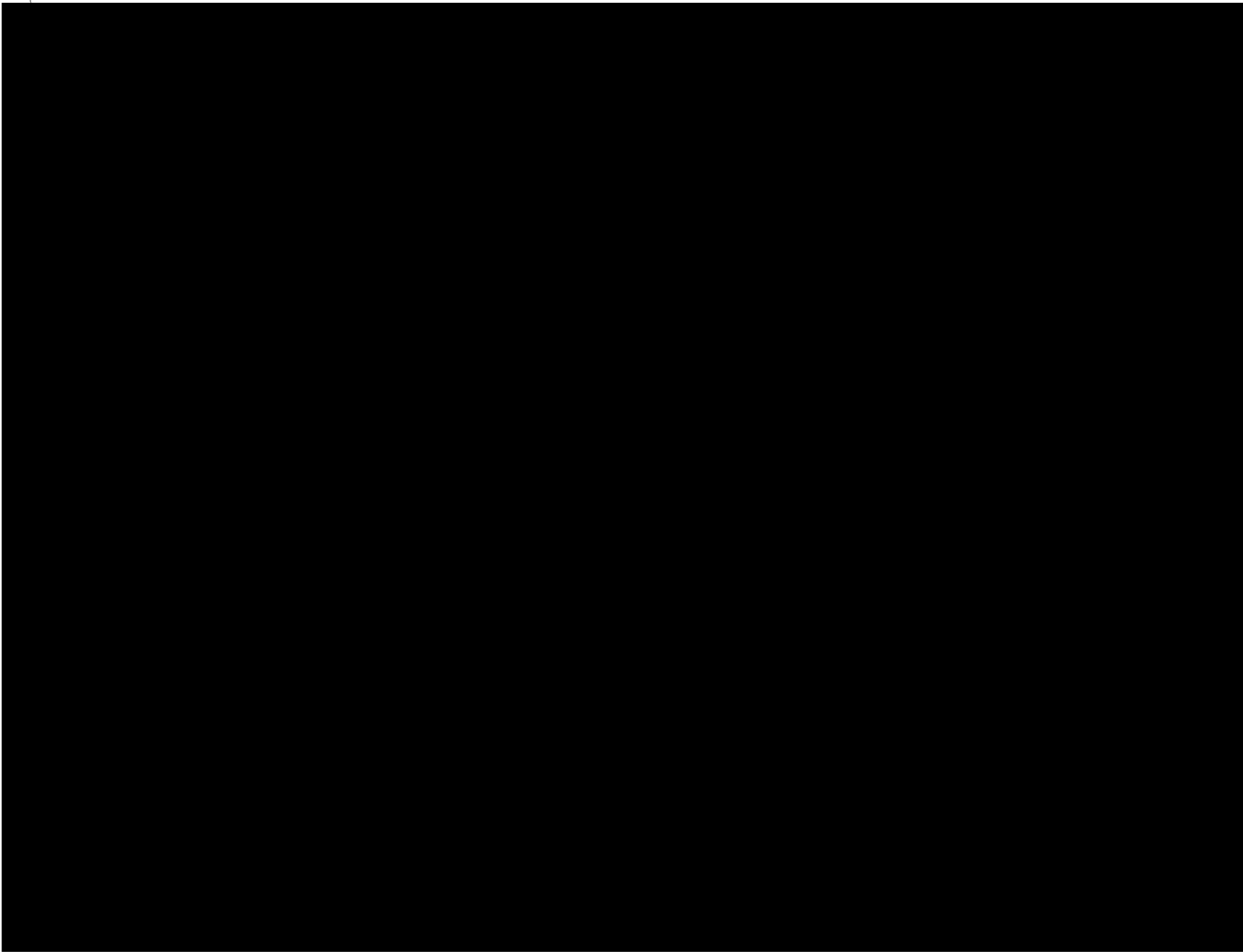


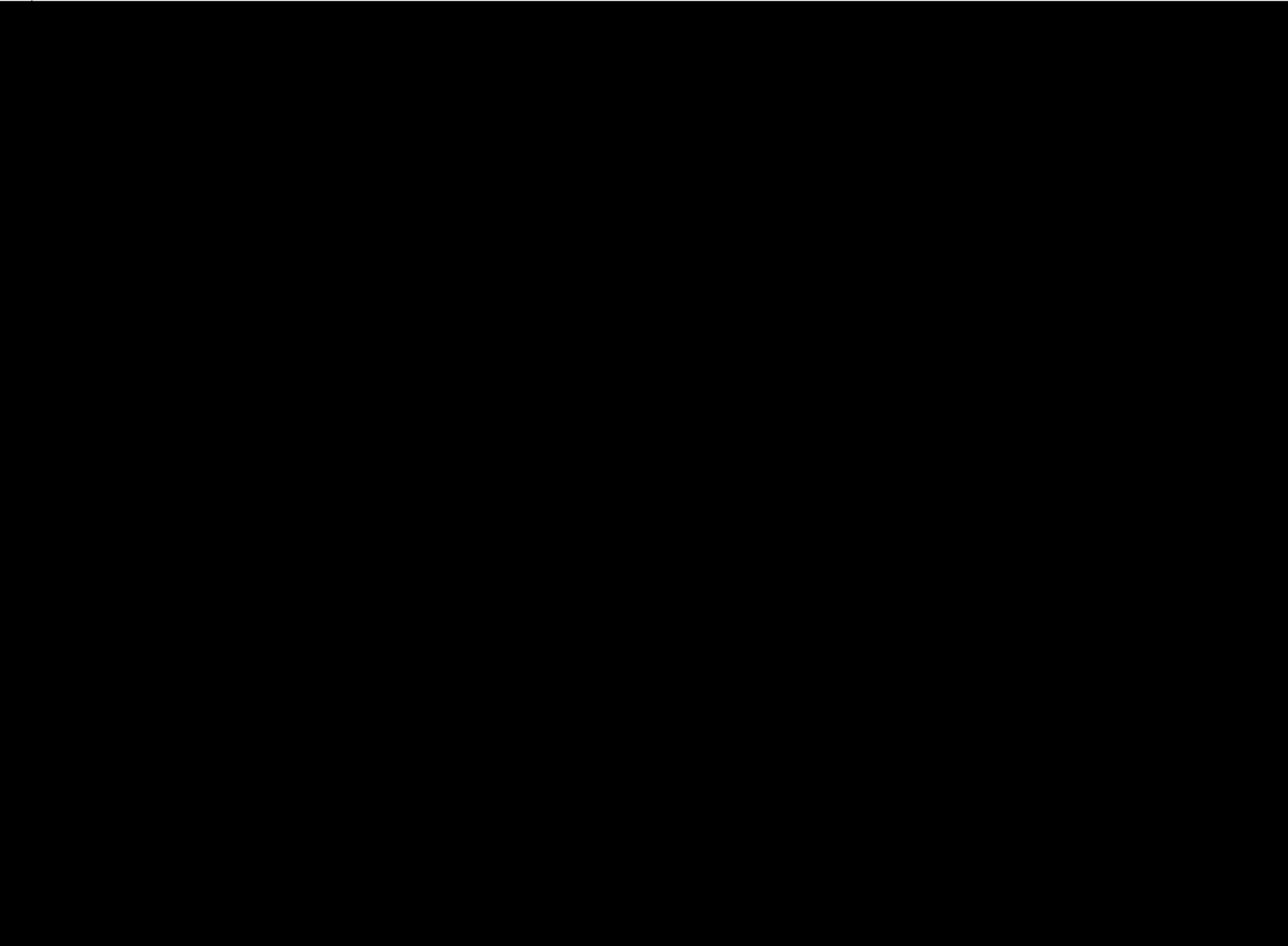
Martin Due Vu  
 Justice of the Peace in NSW (203335)

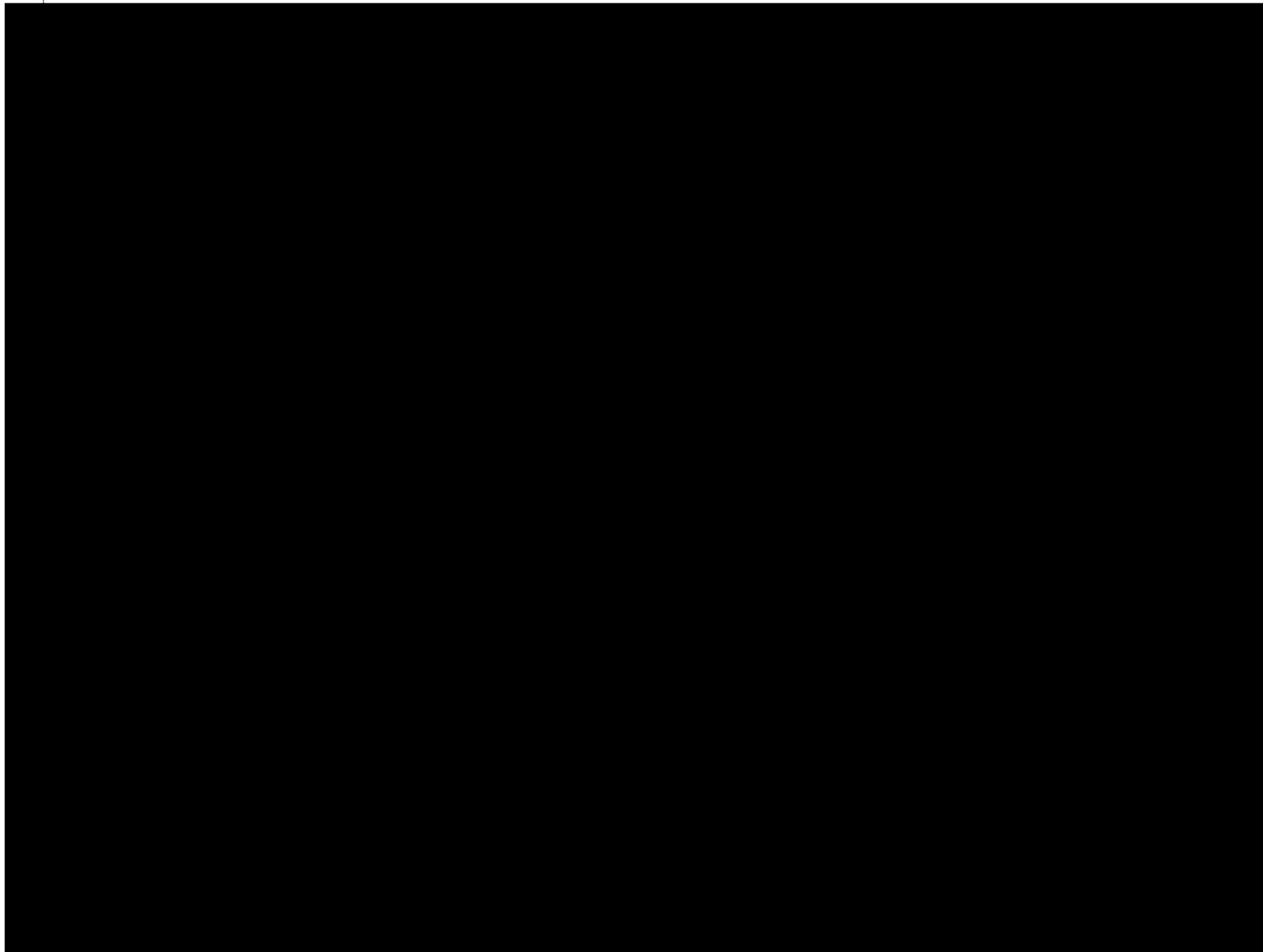
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		











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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

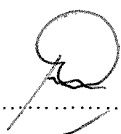
**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-7**

This is the exhibit referred to as **Exhibit BG-7** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....

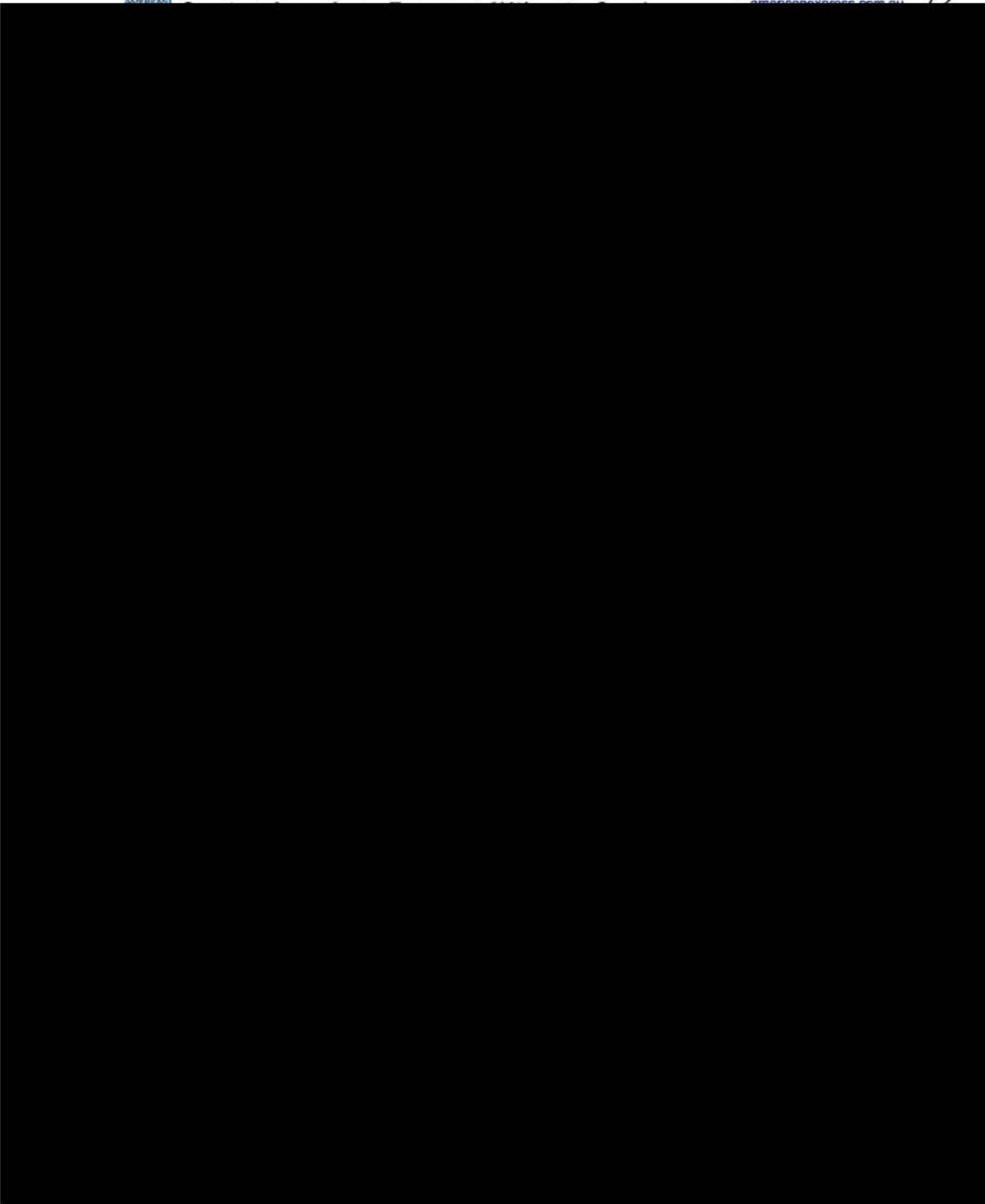


Martin Due Vu  
 Justice of the Peace in NSW (203375)

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000		
	Attention: Nicolette Bearup		

MAL.1081.0024.0174

MD3.1007.0001.0092



MAL.1081.0024.0175

MD3.1007.0001.0093

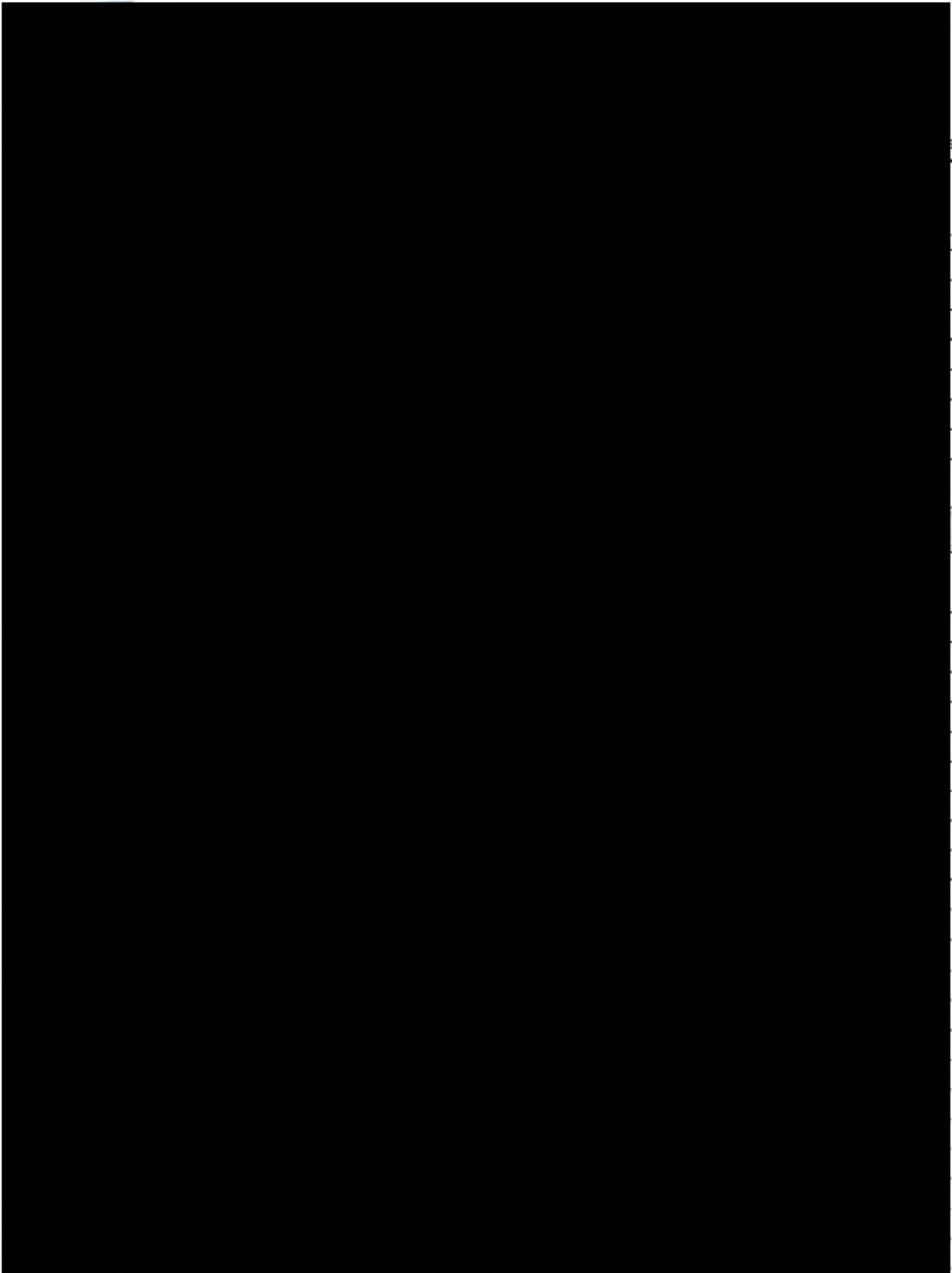
MAL.1081.0024.0176

MD3.1007.0001.0094



MAL.1081.0024.0177

MD3.1007.0001.0095

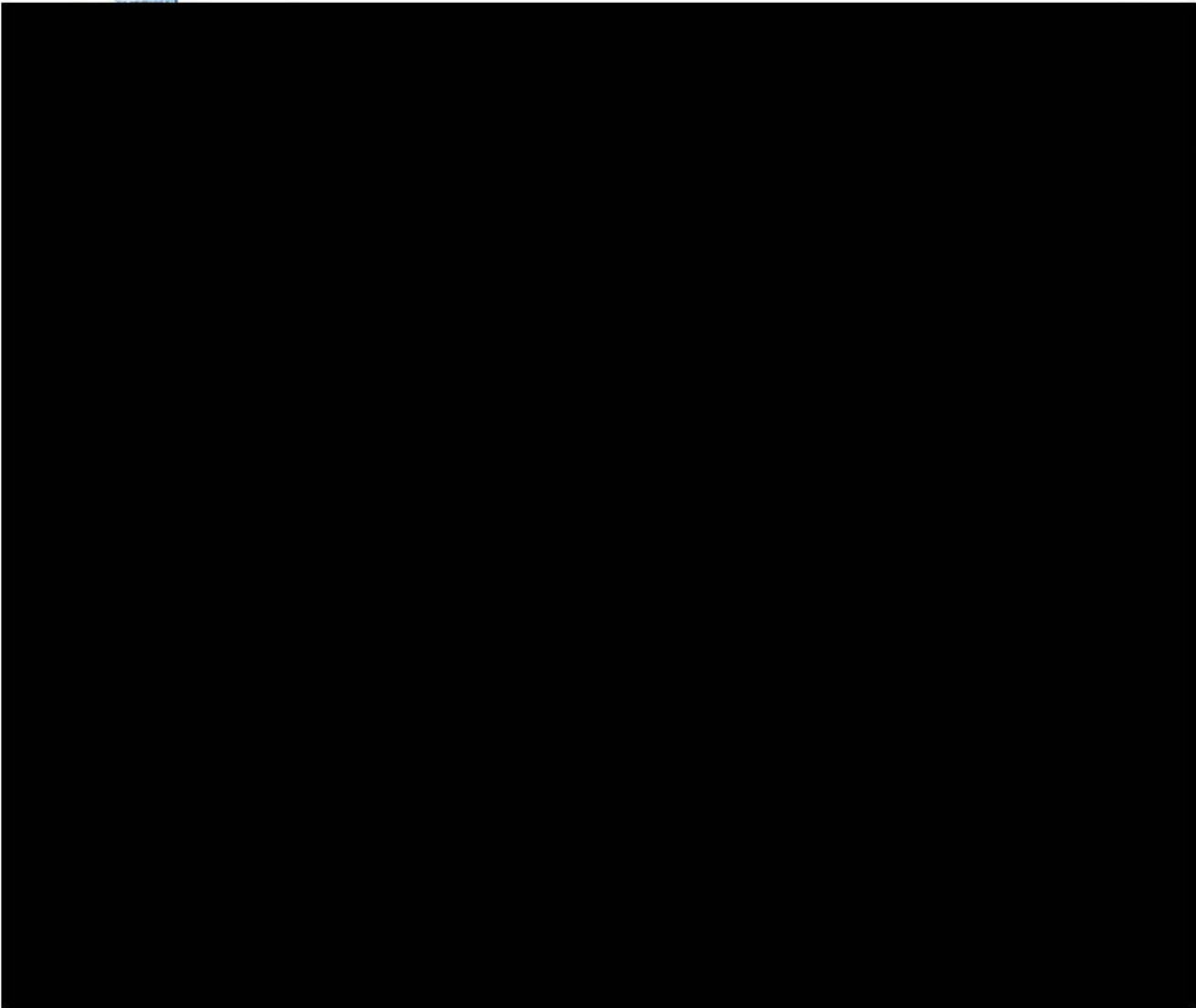


MAL.1081.0024.0178

MD3.1007.0001.0096

MAL.1081.0024.0179

MD3.1007.0001.0097



MAL.1081.0024.0180

MD3.1007.0001.0118

85



MAL.1081.0024.0181

MD3.1007.0001.0119

86

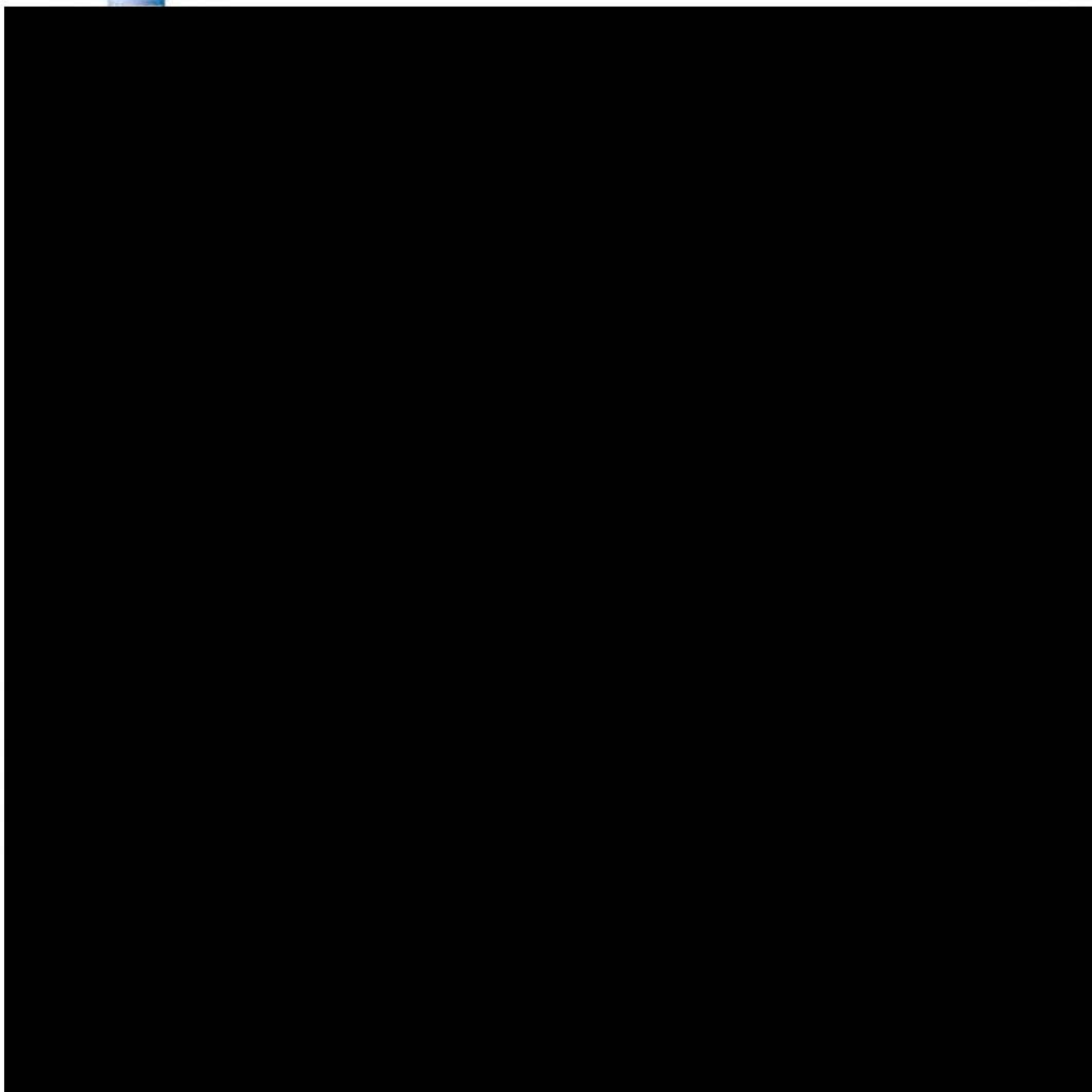
5

MAL.1081.0024.0182

MD3.1007.0001.0120

MAL.1081.0024.0183

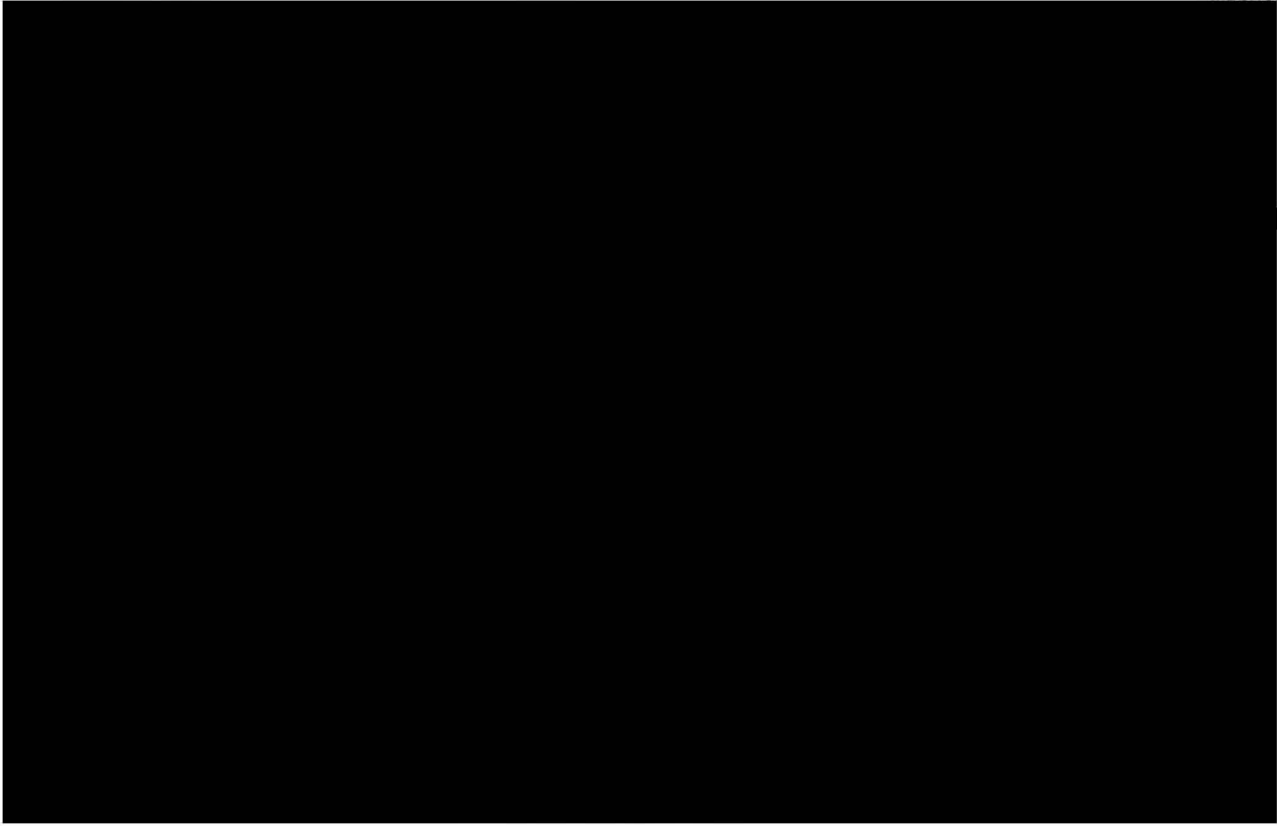
MD3.1007.0001.0121



MAL.1081.0024.0184

MD3.1007.0001.0122

89

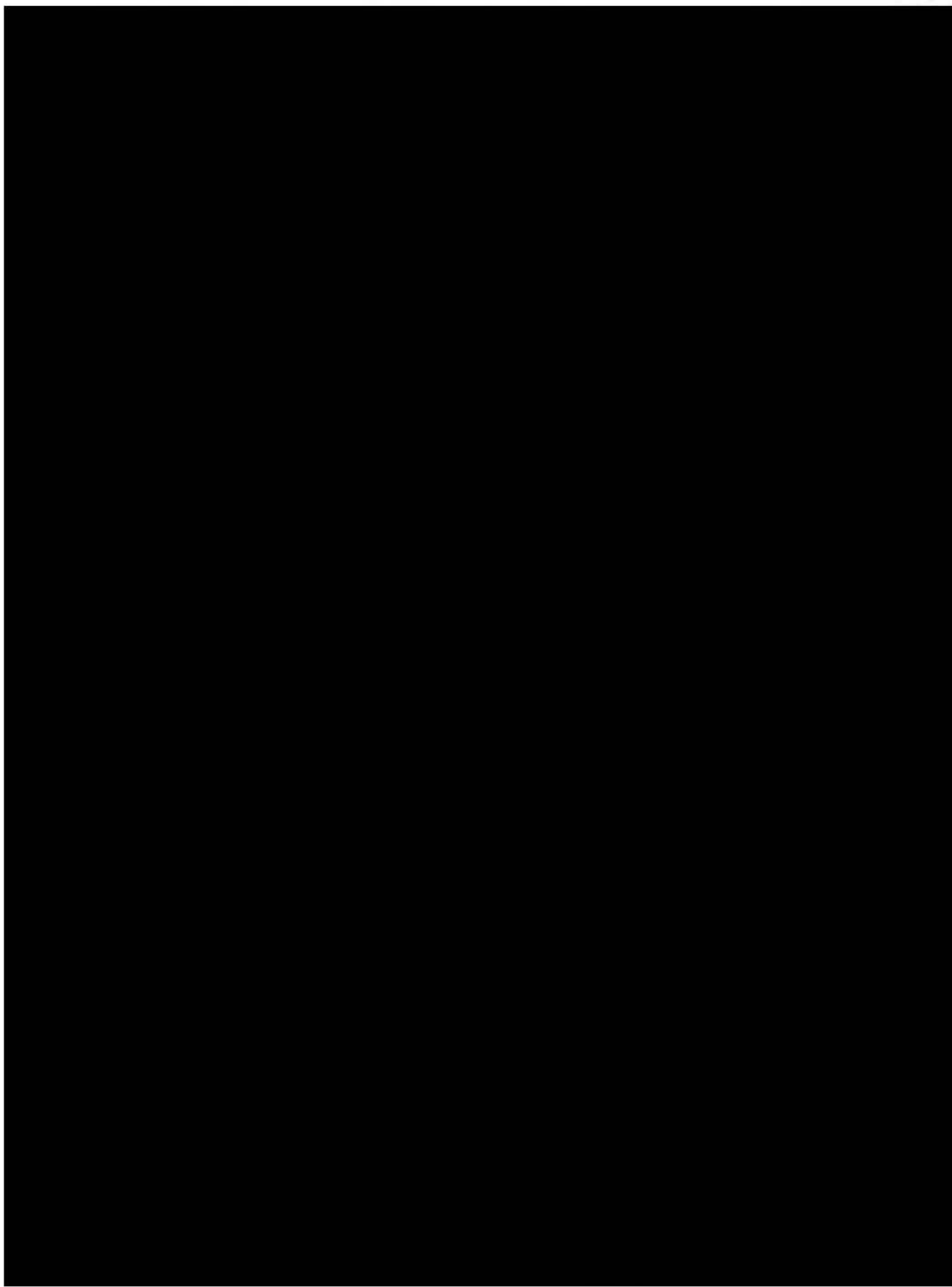




MAL.1081.0024.0185

0001.0081

90

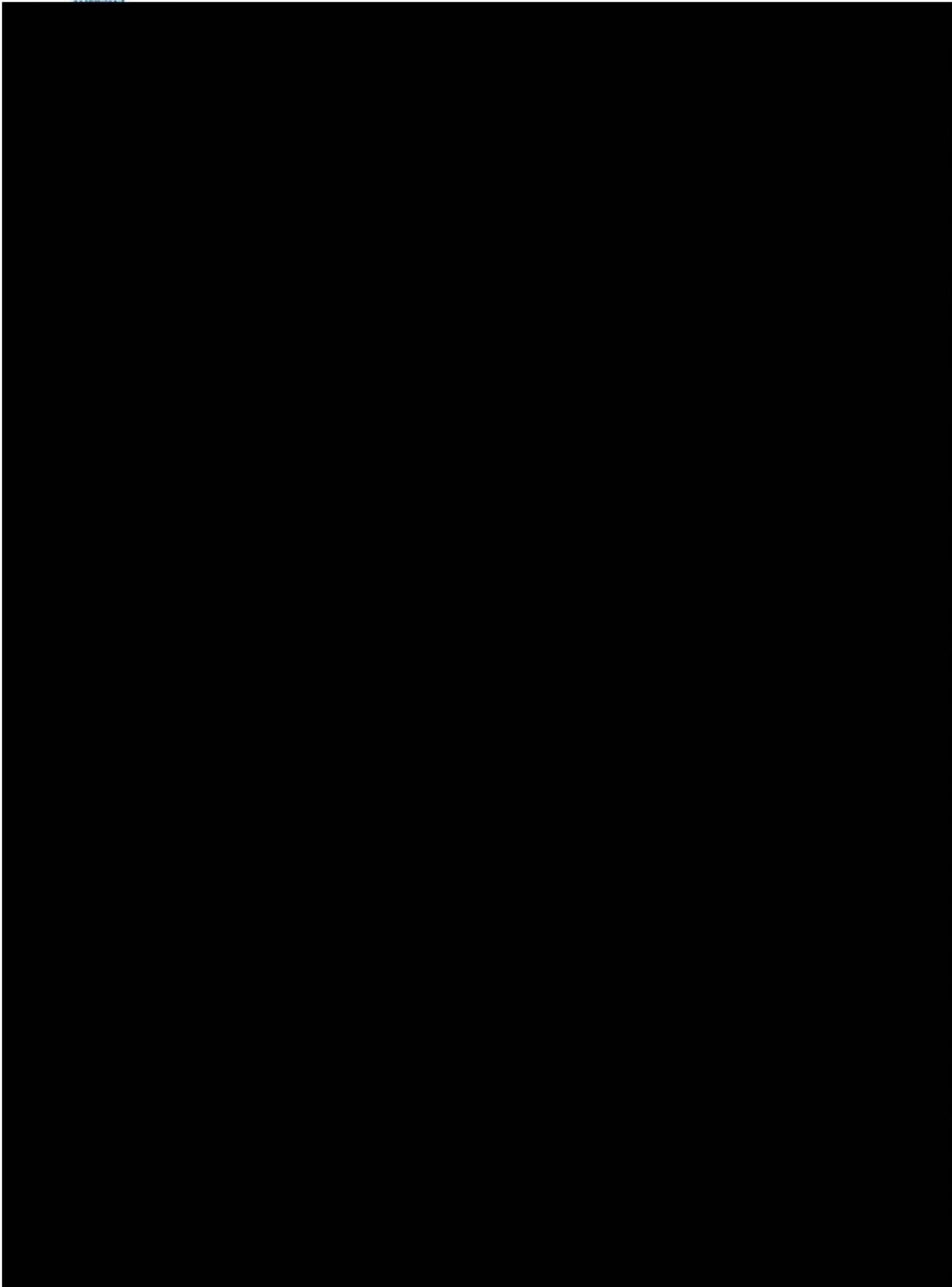


MAL.1081.0024.0186

MD3.1007.0001.0082

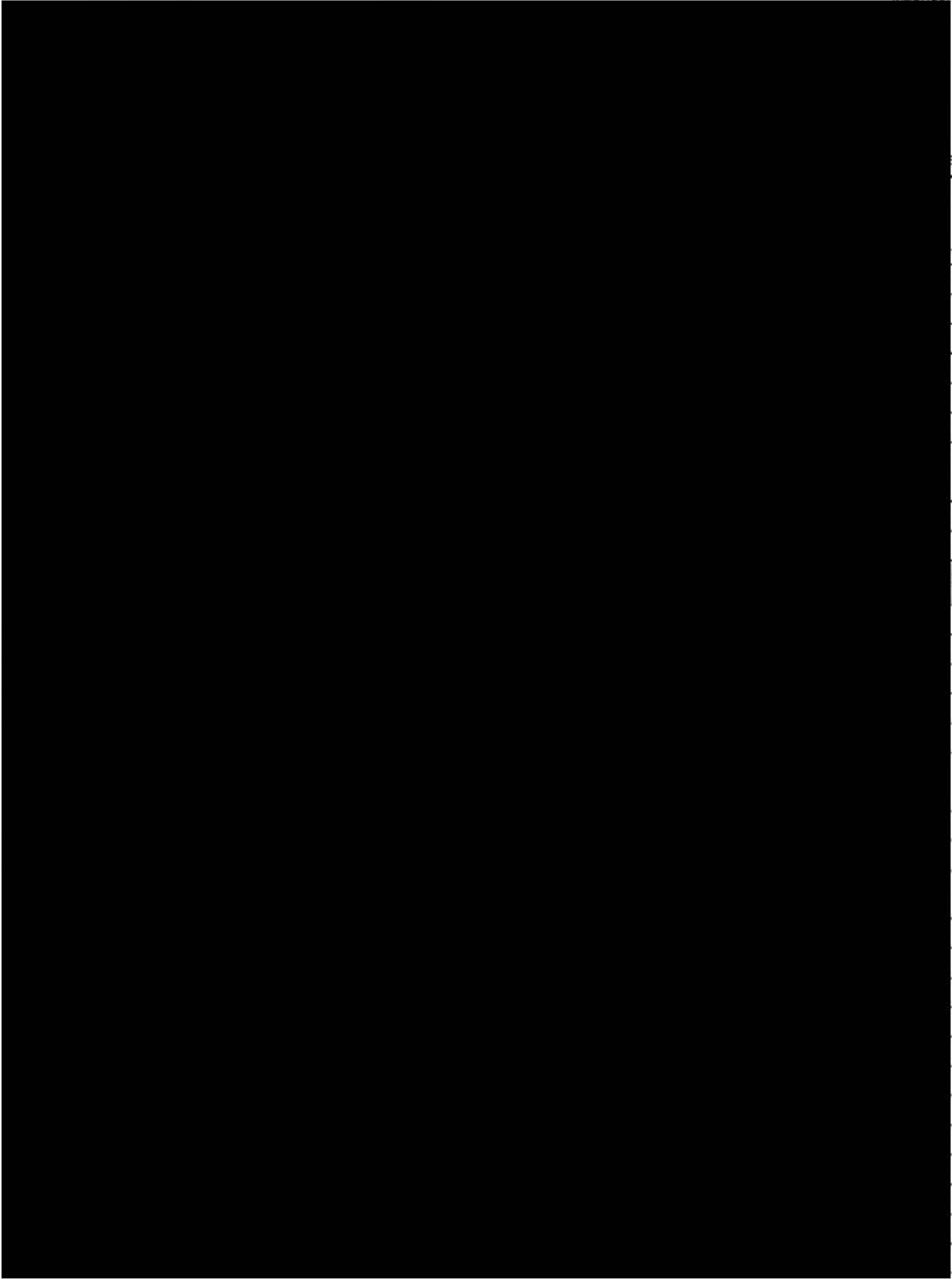
MAL.1081.0024.0187

MD3.1007.0001.0083



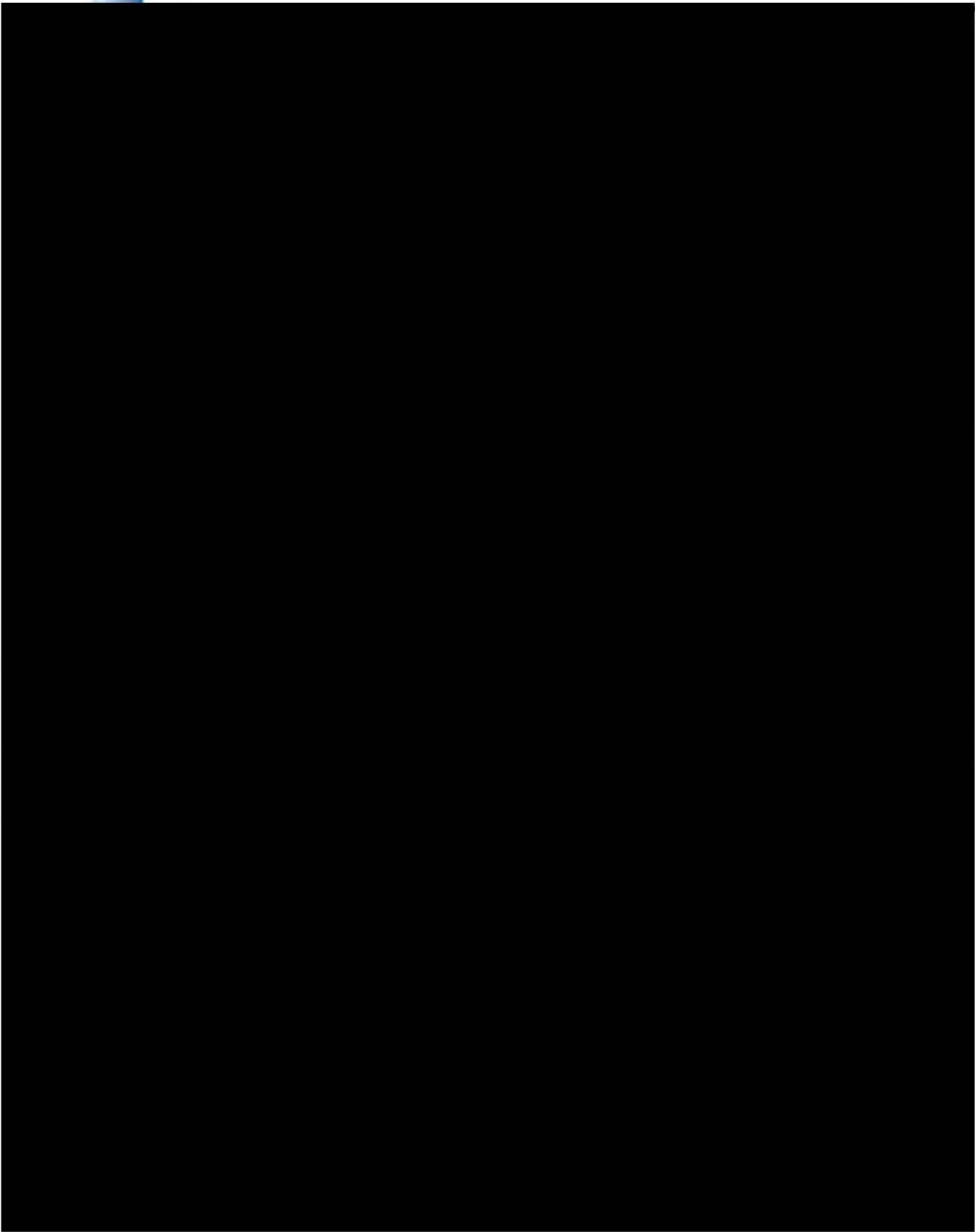
MAL.1081.0024.0188

MD3.1007.0001.0084



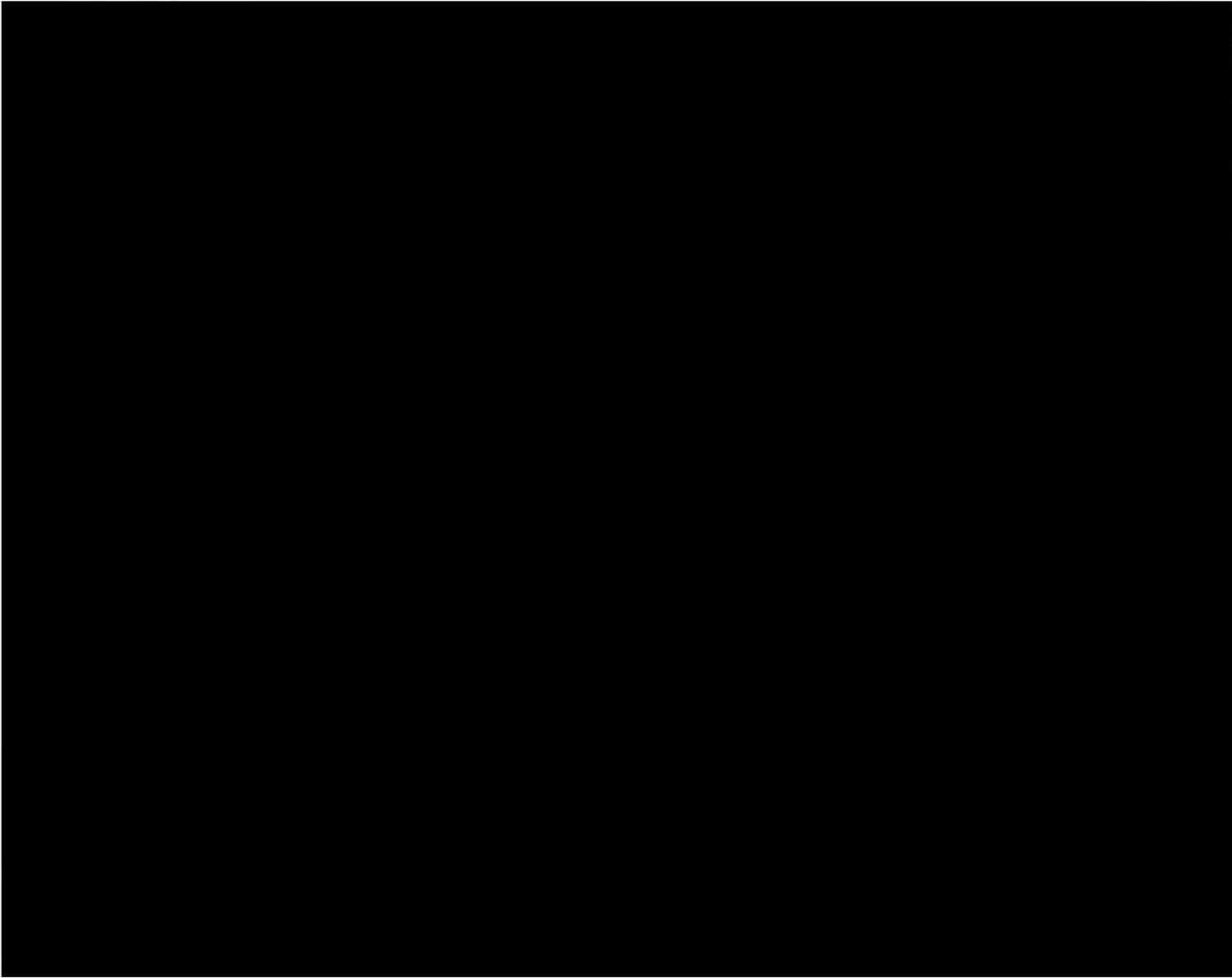
MAL.1081.0024.0189

MD3.1007.0001.0085



MAL.1081.0024.0190

MD3.1007.0001.0086



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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-8**

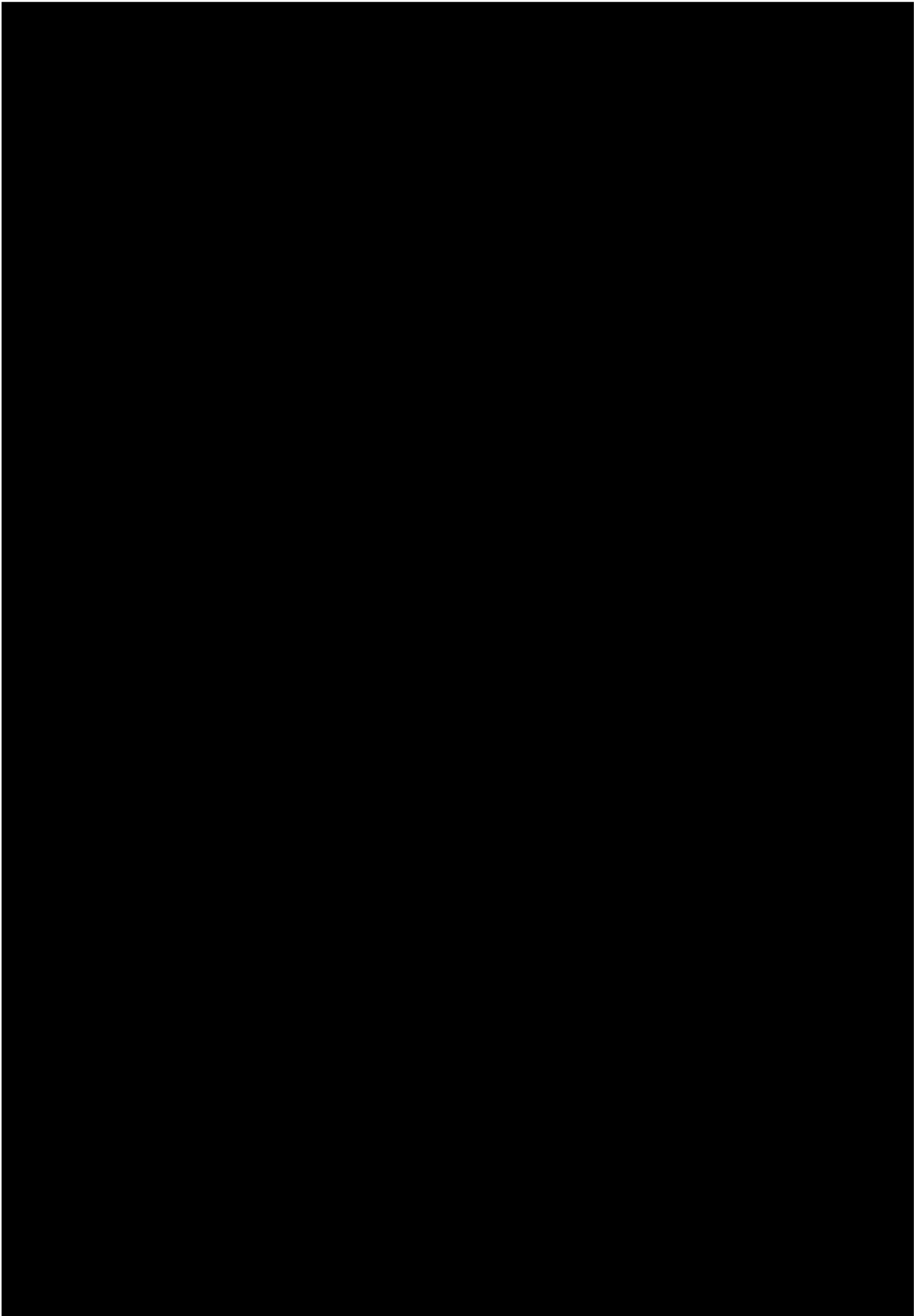
This is the exhibit referred to as **Exhibit BG-8** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....

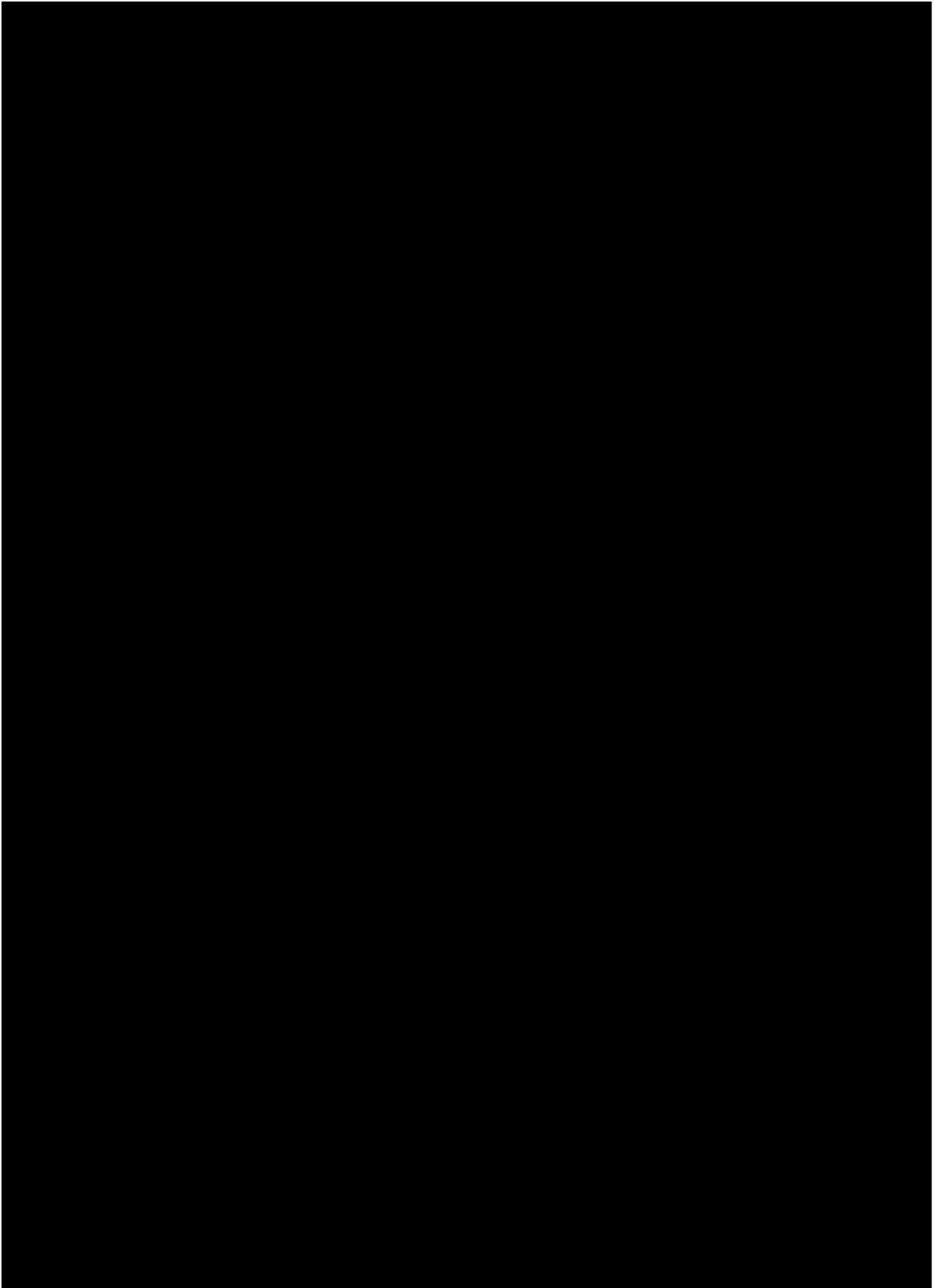


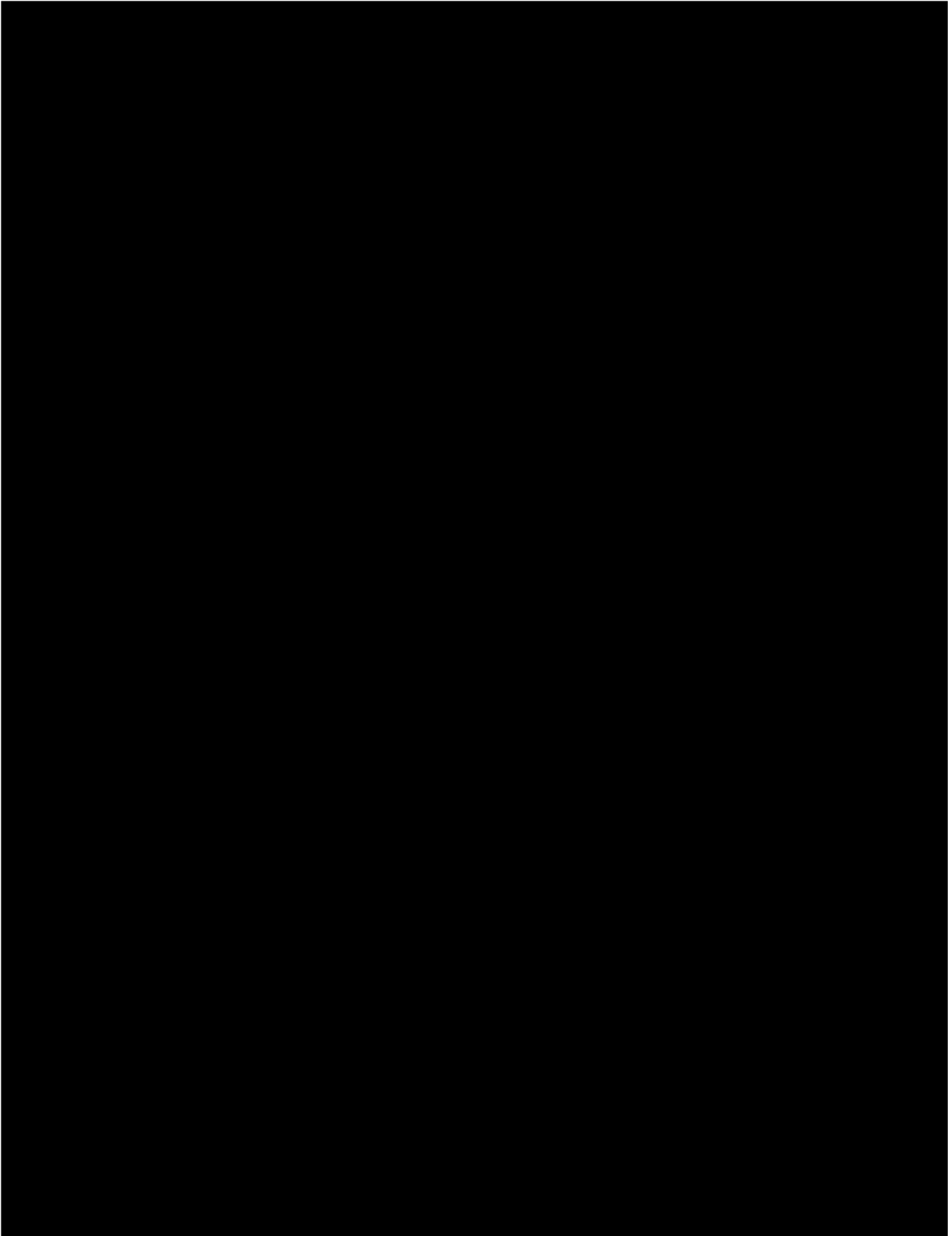
Martin Duncanson  
Justice of the Peace in NSW (203735)

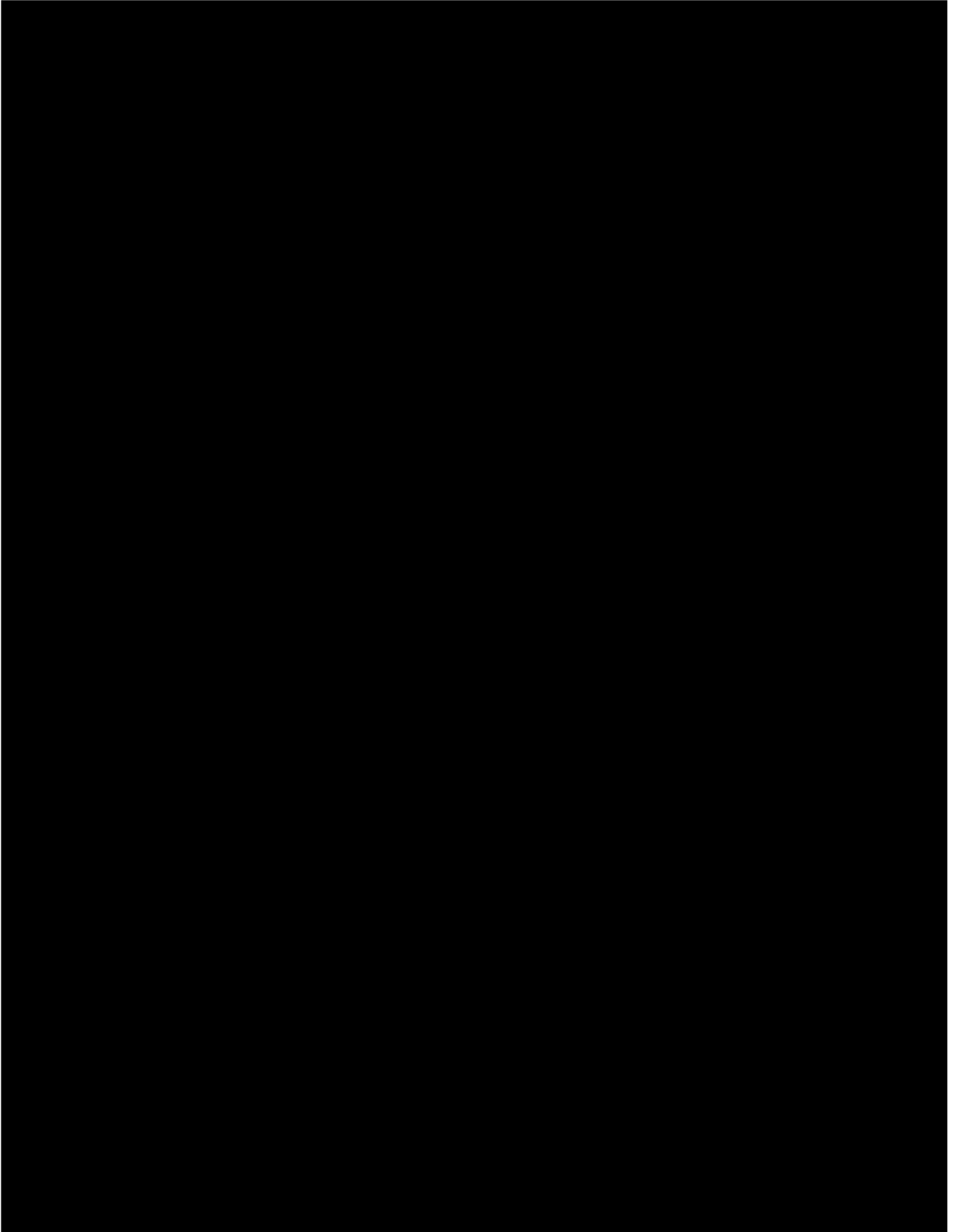
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
Address for service	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		

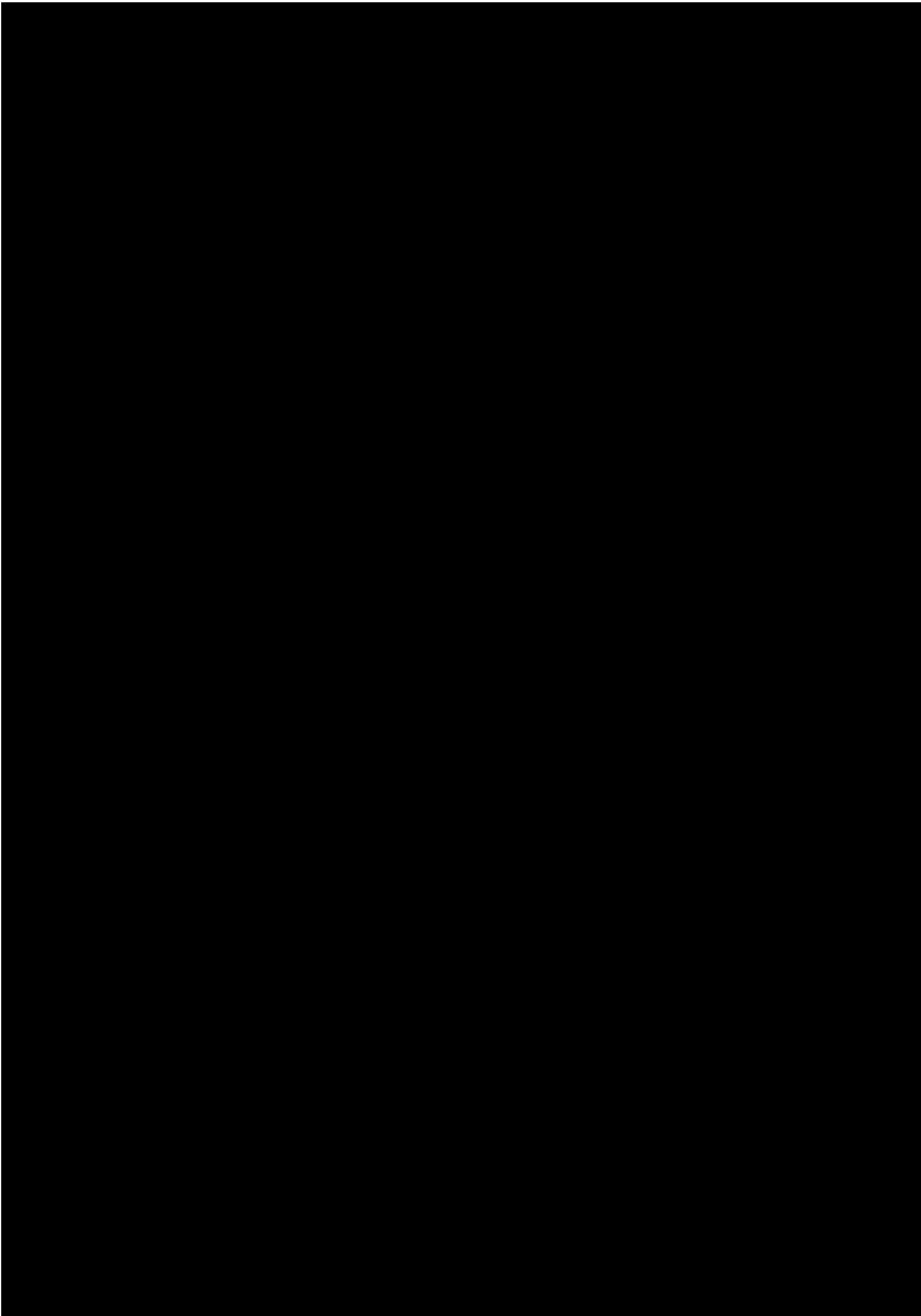


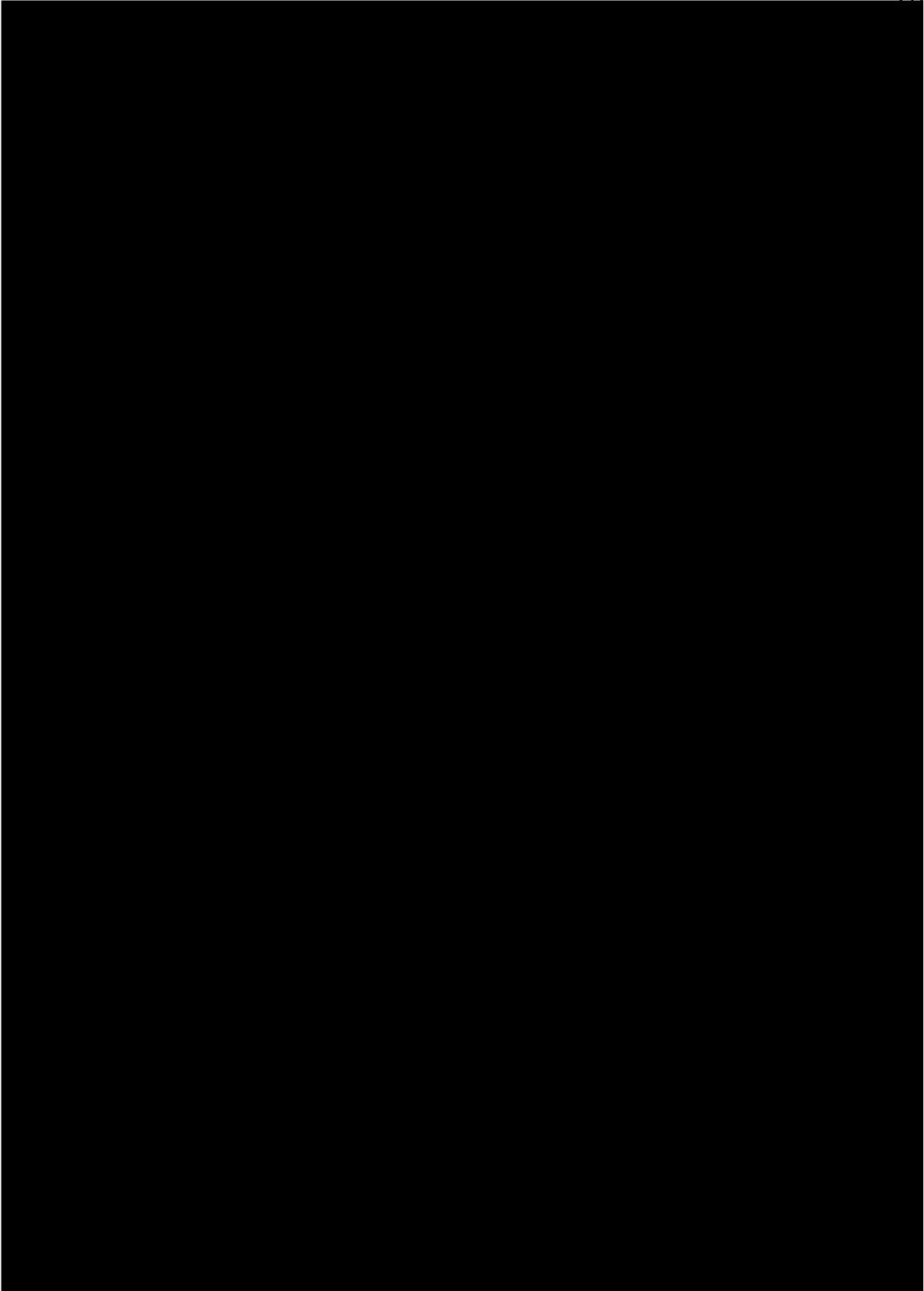












Federal Court of Australia  
 District Registry: New South Wales  
 Division: Commercial and Corporations

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-9**

This is the exhibit referred to as **Exhibit BG-9** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....

*Martin Dine VJ  
 Justice of the Peace in NSW (203335)*

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel (02) 9911 5745		Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		



Our Ref: 201216/1.1/MALIVE01  
Reply to: SYDNEY

21 June 2021

CommSec

**Attention: Jennifer El-Azzi**  
**Via email only: [Jennifer.ElAzzi@cba.com.au](mailto:Jennifer.ElAzzi@cba.com.au)**

Dear Madam,

**Re: The Property of Melissa Louise Caddick (Receivers Appointed)**

We were appointed Joint and Several Provisional Receivers of Melissa Louise Caddick ("Ms Caddick") on 15 December 2020 pursuant to an Order of the Federal Court of Australia. Please find attached a copy of the Court Order confirming our appointment. You will note that certain parts of the Court Order have been redacted due to confidentiality and given the nature of our appointment, however relevantly Paragraph 5 confirms our appointment.

We advise Ms Caddick's details are as follows:

<b>Aliases:</b>	<b>Melissa Louise Grimley, Melissa L Caddick, Melissa</b>
<b>Date of Birth:</b>	<b>[REDACTED] y</b>
<b>Last known address:</b>	<b>[REDACTED]</b>
<b>Holder Identification Number:</b>	<b>Unknown</b>

**We are urgently undertaking an investigation into Ms Caddick's affairs and request your assistance in reviewing whether Ms Caddick holds an account(s) with you or has previously held an account with you under the name "Melissa [REDACTED]". Should this be the case, would you please advise the following regarding any account(s) in the name of [REDACTED]:**

1. Details of any domestic and/or international accounts held or previously held with CommSec;
2. A full copy of the account application(s);
3. Names of the listed company(ies) in which Ms Caddick presently holds securities tradable on the ASX (or any other domestic exchange) or international exchange(s) and the quantity held for each security;
4. A transaction listing for each account identified in point 1 above showing all purchases and sales from inception to the date of our appointment;

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email [info@jonespartners.net.au](mailto: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 & Restructuring.

**light at the end of the tunnel**

[www.jonespartners.net.au](http://www.jonespartners.net.au)

Principals **MG Jones** B.A, FCA **B Gleeson** B.Comms, FCA, RFE **DR Soire** B.Comms, CA **MD Vu** B.Comms, CA  
Senior Consultant **AG Topp** B.Bus, CA

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

Page 2 of 2  
21 June 2021

5. Books recording details of every security held in the name of Ms Caddick from inception to the date of our appointment date
6. Books recording details of any non-security held in the name of Ms Caddick from inception to the date of our appointment;
7. Details of **ALL** bank accounts linked to the account(s) listed in point 1 above where settlement proceeds are paid to.

In circumstances where Ms Caddick holds securities or non-securities, please **IMMEDIATELY** place a 'stop transfer' on same until further notice from our office.

In this letter, "Books" and "securities" have the definitions as set out in Sections 9 and 92 of the Corporations Act which are attached to this letter.

Pursuant to the Orders as well as Section 420(1) of the Corporations Act, we require you to urgently provide the above information and documents:

(a) By email to: [bgleeson@jonespartners.net.au](mailto:bgleeson@jonespartners.net.au) and [dsoire@jonespartners.net.au](mailto:dsoire@jonespartners.net.au);

(b) To Level 13, 189 Kent Street, Sydney NSW"

MARKED "PRIVATE & CONFIDENTIAL TO MESSRS GLEESON & SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD"; and

(c) **No later than 5pm on 25 June 2021.**

If for some reason you are not able to comply with the above request and / or timeframe, please **URGENTLY** advise us.

Should you require any further information, please contact Ms Vanessa Duckworth or Martin Vu of this office on telephone number (02) 9251 5222 or via email [maliver@jonespartners.net.au](mailto:maliver@jonespartners.net.au)

Yours faithfully

**The Property of Melissa Louise Caddick  
(Receivers Appointed)**



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





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

No: NSD1220/2020

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**  
Plaintiff

**MELISSA LOUISE CADDICK** and another named in the schedule  
Defendant

### ORDER

**JUDGE:** JUSTICE MARKOVIC

**DATE OF ORDER:** 15 December 2020

**WHERE MADE:** Sydney

For the purposes of these orders:

- “Property” means all real or personal property, assets or interests in property of any kind, within or outside Australia including, by virtue of s 1323(2A) of the *Corporations Act 2001* (Cth) (Act), any property held otherwise than as sole beneficial owner.

■ [REDACTED]

### THE COURT ORDERS THAT:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

### Appointment of Receivers

5. Until further order, pursuant to s 1323(1)(h)(i) of the Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be



- 3 -

[illegible]

10. Pursuant to s 472(2) of the Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several provisional liquidators (**Provisional Liquidators**) to the second defendant.

11. The Provisional Liquidators have the powers set out in the Act [REDACTED]

112

[illegible]





- 4 -

[illegible]

[illegible]

Response	Percentage
Appropriate	65%
Too high	30%
Too low	5%

© 2006 The Authors

■ [REDACTED]

[REDACTED]

■ [REDACTED]  
[REDACTED]  
[REDACTED]

■ [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

\_\_\_\_\_

Sia Lagos  
Registrar



- 7 -

**Schedule**

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant      MALIVER PTY LTD

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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-10**

This is the exhibit referred to as **Exhibit BG-10** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....



Martin Duc Vu  
Justice of the Peace in NSW (203335)

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff
Prepared by	Nicolette Bearup
Tel (02) 9911 5745	Fax (02) 9911 2414
Email Nicolette.Bearup@asic.gov.au	
Address for service	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup



**RE: The Property of Melissa Louise Caddick (Receivers Appointed)**

**From:** Jennifer El-Azzi <jennifer.elazzi@cba.com.au>  
**To:** Vanessa Duckworth <vduckworth@jonespartners.net.au>  
**Cc:** Bruce Gleeson <bgleeson@jonespartners.net.au>, Daniel Soire <dsoire@jonespartners.net.au>, Martin Vu <mvu@jonespartners.net.au>  
**Date:** Mon, 21 Jun 2021 15:57:37 +1000  
**Attachments:** Response.zip (149.53 kB)

Hi Vanessa,  
 Thank you for your email.  
 Please find attached CommSec's response to your attached request.  
 Please direct any future requests to: [CommSecComplianceInbox@cba.com.au](mailto:CommSecComplianceInbox@cba.com.au).  
 Please note that no transactions were placed on this account. The password will be provided to you separately.  
**Kind Regards,**



**Jennifer El-Azzi**  
 Risk Executive,  
 CommSec Compliance Risk  
 Level 4A, 1 Harbour Street Sydney, NSW 2000  
 Phone 0434 167 065  
 Email [Jennifer.ElAzzi@cba.com.au](mailto:Jennifer.ElAzzi@cba.com.au)

**Our purpose is to improve the financial wellbeing of our customers and communities.**  
 [ CBA information handling guidelines can be found on our web site: [commbank.com.au/DataClass](http://commbank.com.au/DataClass) ]

**From:** Vanessa Duckworth <vduckworth@jonespartners.net.au>  
**Sent:** 21 June 2021 12:42 PM  
**To:** Jennifer El-Azzi <Jennifer.ElAzzi@cba.com.au>  
**Cc:** Bruce Gleeson <bgleeson@jonespartners.net.au>; Daniel Soire <dsoire@jonespartners.net.au>; Martin Vu <MVu@jonespartners.net.au>  
**Subject:** The Property of Melissa Louise Caddick (Receivers Appointed)  
**Importance:** High

**EXTERNAL EMAIL:** Do not click links or open any attachments unless you trust the sender and know the content is safe. ⚠

Dear Jennifer,  
 Please find attached letter dated 21 June 2021 regarding the above matter.  
 If you have any questions, please do not hesitate to contact us.  
 Kind regards,

**Vanessa Duckworth**  
**Senior Accountant**



Level 13, 189 Kent Street, Sydney NSW 2000  
 T: 61 2 9251 5222 | F: 61 2 9247 5911  
 E: [vduckworth@jonespartners.net.au](mailto:vduckworth@jonespartners.net.au)  
 W: [www.jonespartners.net.au](http://www.jonespartners.net.au)

Disclaimer - This email and any files transmitted with it are confidential and contain privileged or copyright information. Any disclosure, copying, distribution or any other action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you received this e-mail in error please delete it and any attachments and notify [vduckworth@jonespartners.net.au](mailto:vduckworth@jonespartners.net.au) immediately by reply e-mail. We use virus scanning software but exclude all liability for viruses or similar in any attachment. Jones Partners respects the privacy of personal information and complies with the National Privacy Principles (NPPs) as set out in the Privacy Amendment (Private Sector) Act 2000. Should you not wish to receive any further material from Jones Partners, or would like further information on our Privacy Procedure please email [privacy@jonespartners.net.au](mailto:privacy@jonespartners.net.au) or contact us on 02 9251-5222.

Liability limited by a scheme approved under Professional Standards Legislation.

\*\*\*\*\* IMPORTANT MESSAGE \*\*\*\*\*

This e-mail message is intended only for the addressee(s) and contains information which may be confidential.

If you are not the intended recipient please advise the sender by return email, do not use or disclose the contents, and delete the message and any attachments from your system. Unless specifically indicated, this email does not constitute formal advice or commitment by the sender or the Commonwealth Bank of Australia (ABN 48 123 123 124 AFSL and Australian credit licence 234945) or its subsidiaries.

We can be contacted through our web site: [commbank.com.au](http://commbank.com.au).

If you no longer wish to receive commercial electronic messages from us, please reply to this e-mail by typing Unsubscribe in the subject line.

\*\*\*\*\*

**Free Registration****Application Form**
**Commonwealth Securities**  
**Share Direct**

116

**Important Note:** Only one account (eg. individual, joint or company) can be opened with this Application Form. Please ensure you complete Section E, F and G.

3911.63

1105139

**SECTION B. Joint Details (2nd Person)**

To be completed where shares are, or will be, registered jointly in the names of the individual specified in Section A and another person specified here. Please note we will accept instructions from either person specified in Section A or Section B.

Title	<input type="checkbox"/> Dr	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Other (specify) _____
Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female				
Surname	_____			Given Names _____		
Drivers Licence No.	_____			Date of Birth _____		

**SECTION C. Superannuation Fund, Family Trust or Minor**

If you intend to operate the account on behalf of a superannuation fund, family trust, or person under the age of 18, please give the name of the entity or person here as an account designation. Please do not use the word "trust". Section A or D must be completed by the legal owner (individual, company or guardian).

Account \_\_\_\_\_

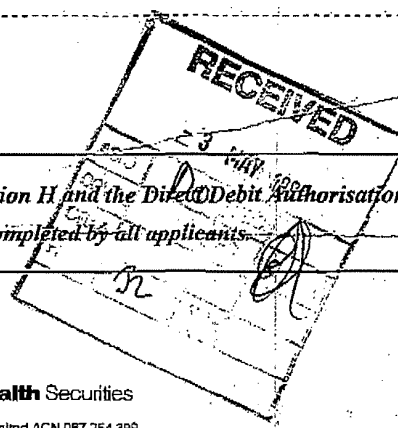
**SECTION D. Company Account Details**

Company Name	_____		
Telephone Numbers	Home ( ) _____	Work ( ) _____	
(Please complete and circle your preferred contact number)	Fax ( ) _____	Mobile ( ) _____	
Company Address	_____		Postcode _____
Postal Address (if different from above)	_____		Postcode _____
Email Address	_____		

Continued over page

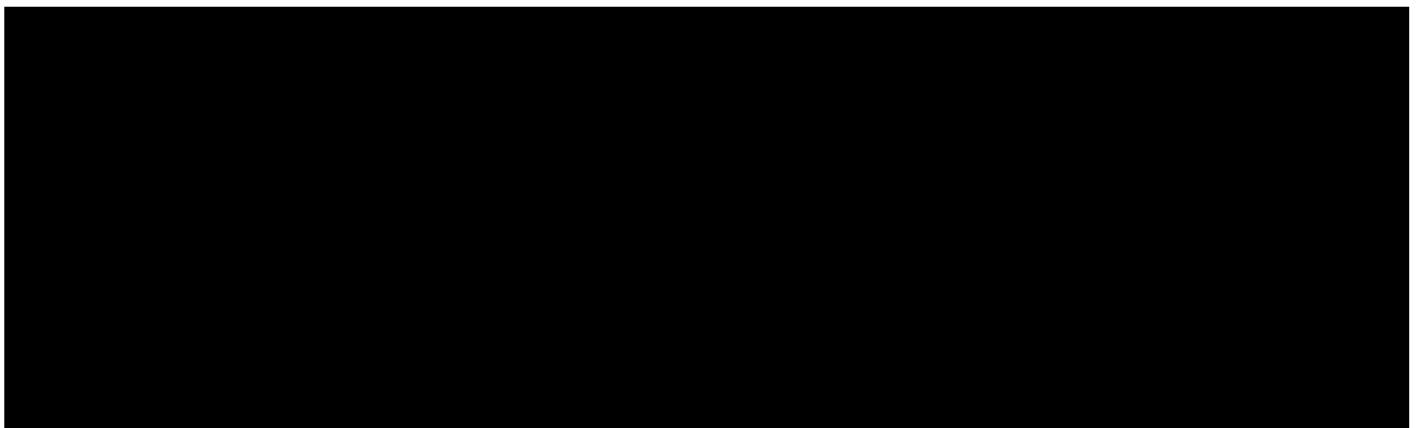
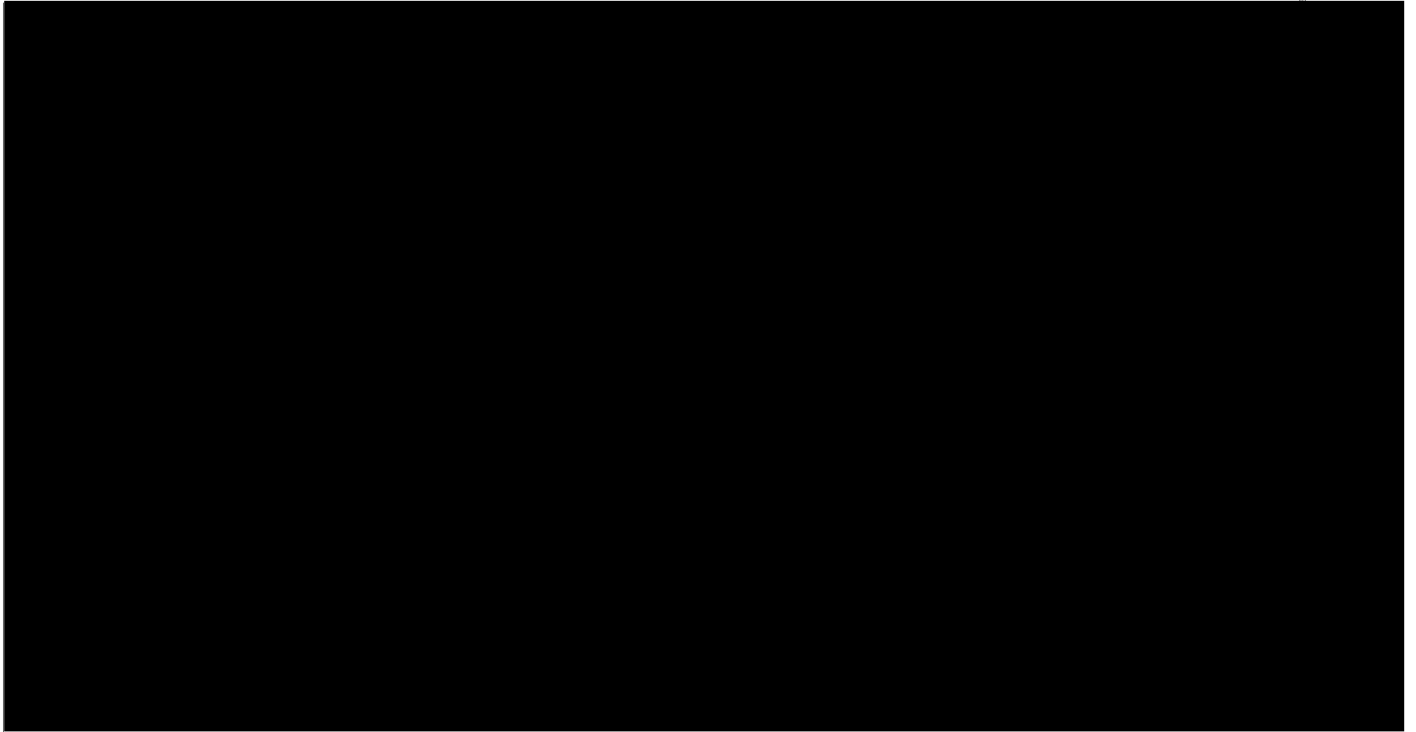
*Please turnover and if required, complete Section H and the Direct Debit Authorisation.*

*Section E, F and G must be completed by all applicants.*


**Commonwealth Securities**

Commonwealth Securities Limited ACN 087 254 399  
 Member of the Australian Stock Exchange Limited  
 Locked Bag 22 Australia Square NSW 1215 Tel: 13 15 19 Fax: (02) 9312 4100  
 Share Direct is a service mark of Commonwealth Securities





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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-11**

This is the exhibit referred to as **Exhibit BG-11** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....



*Martin D'Arcy  
 Justice of the Peace in NSW (203335)*

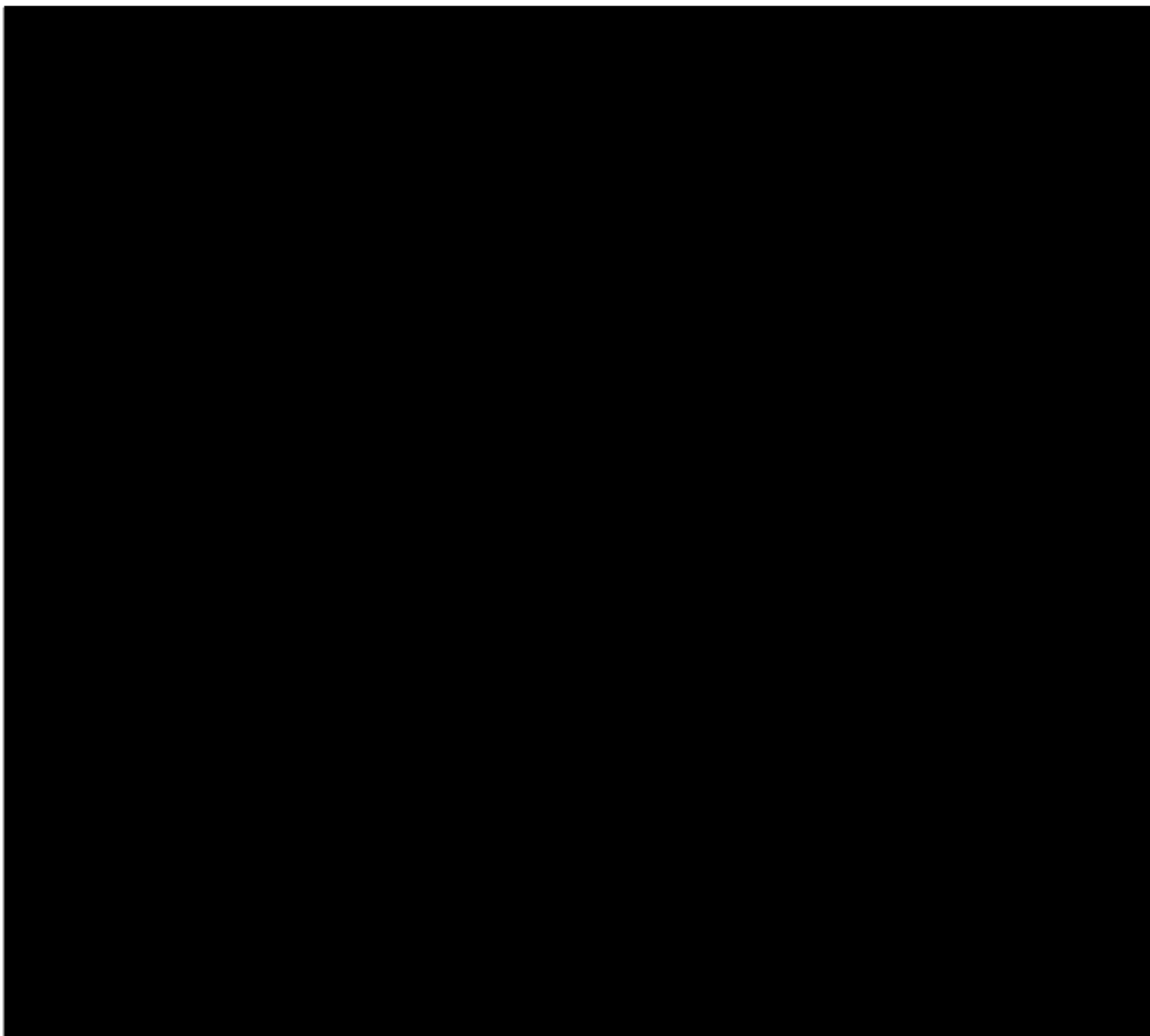
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
Address for service	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		

## Updated trading spreadsheet @ 1 January 2013

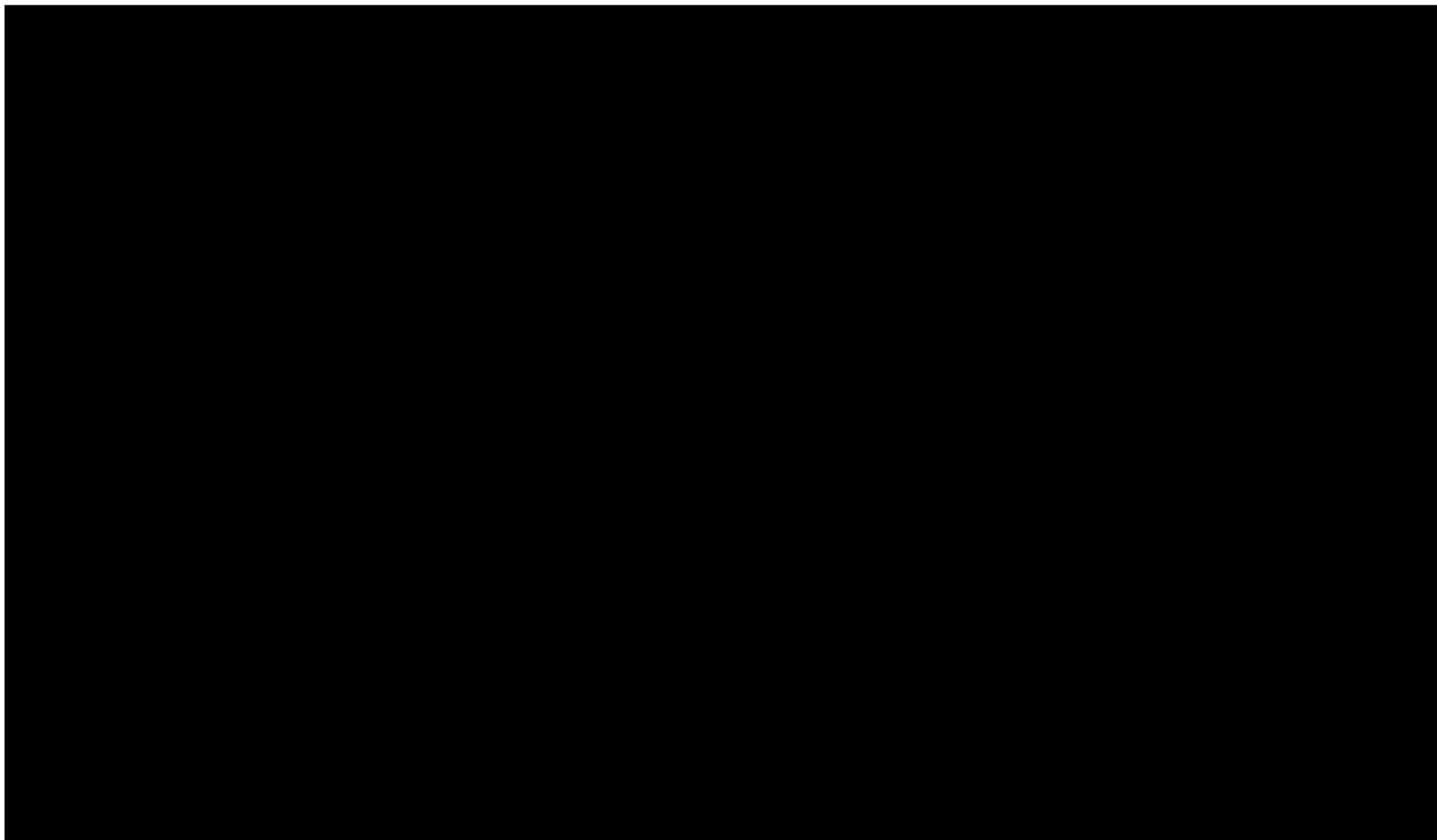
---

**From:** Melissa Caddick [REDACTED]  
**To:** [REDACTED] Melissa Caddick [REDACTED]  
**Date:** Wed, 30 Jan 2013 12:37:41 +1100  
**Attachments:** Trading Transaction NOT FOR ACCOUNTANT 2012\_2013.xlsx (51.63 kB)

---







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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

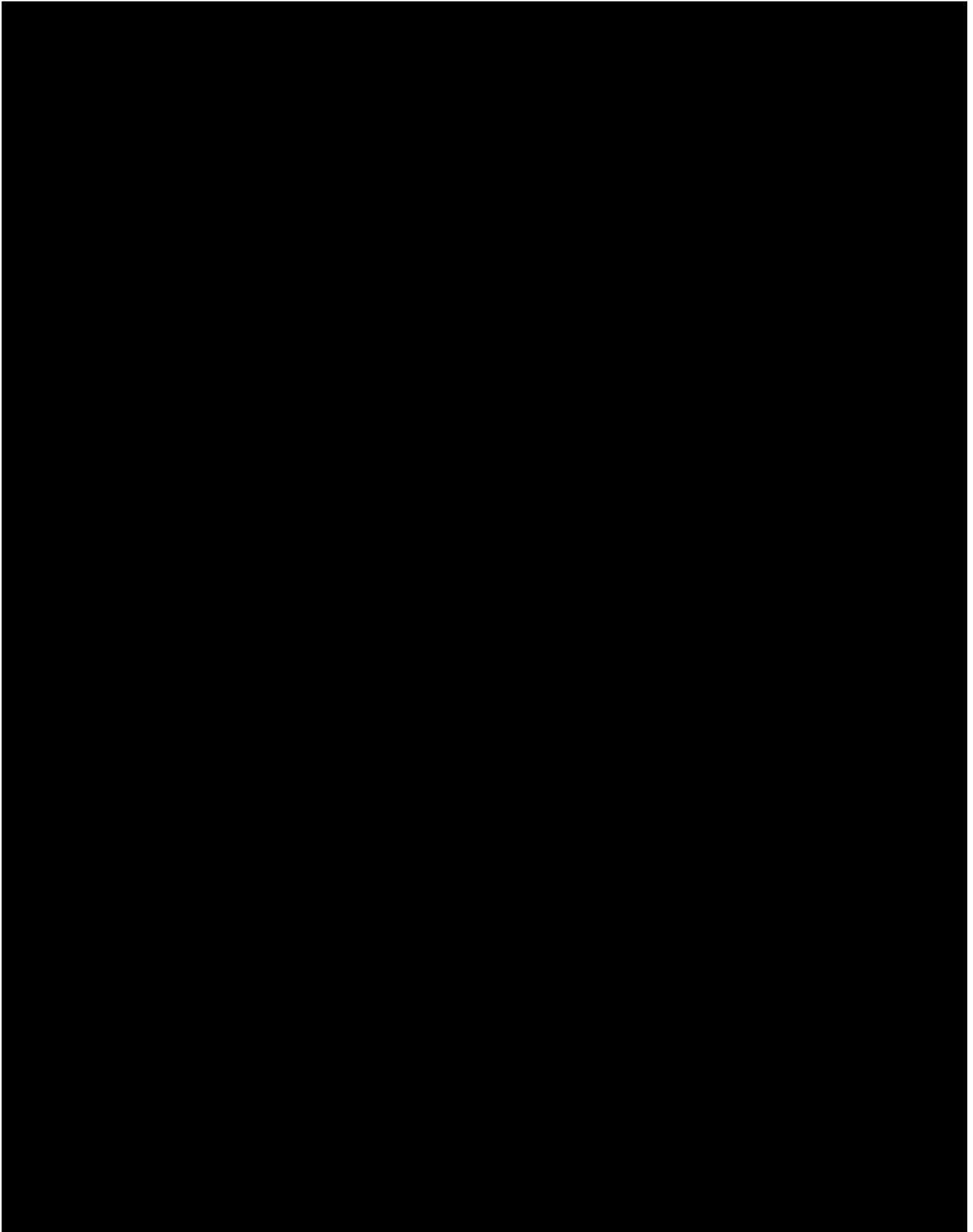
**Exhibit BG-12**

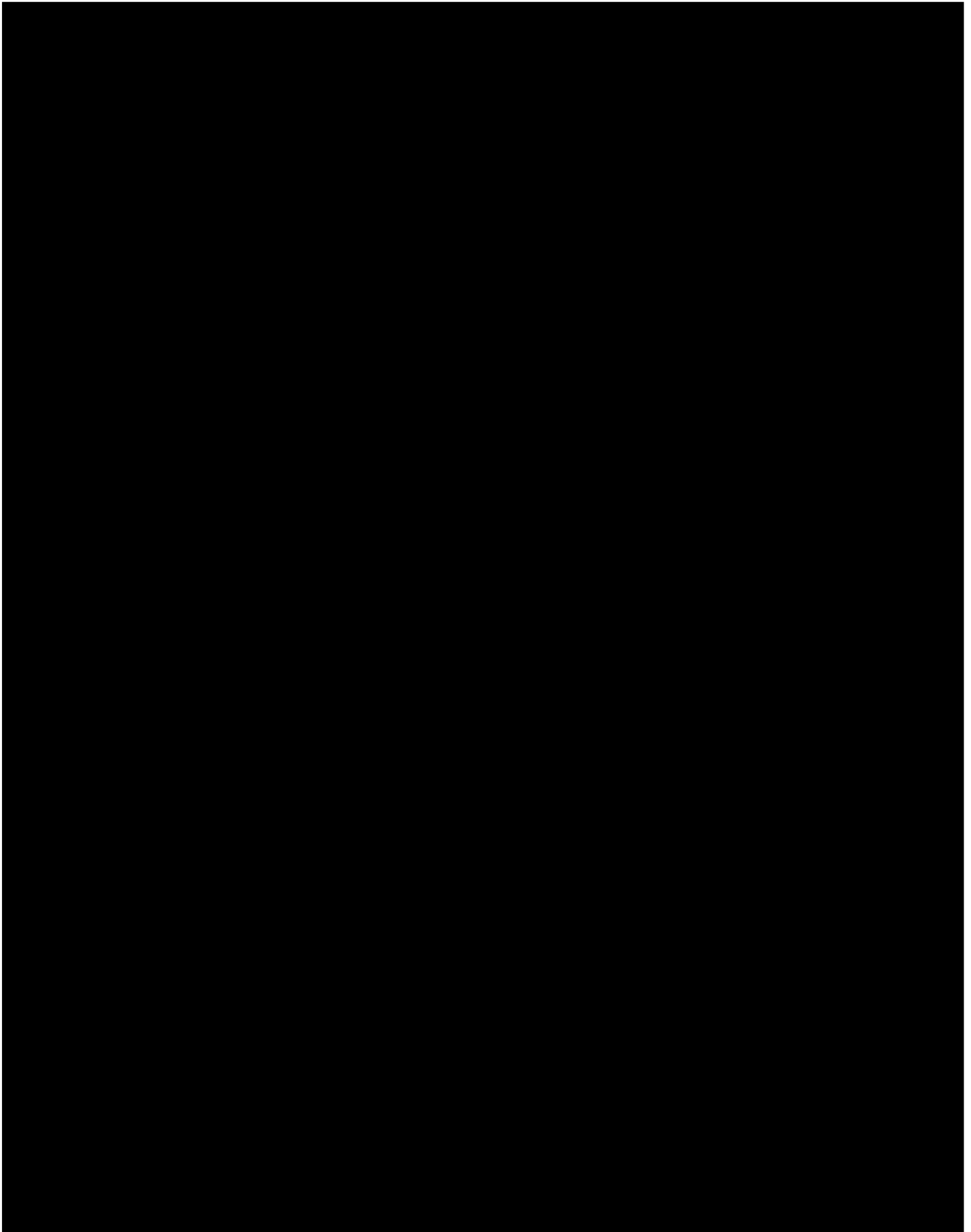
This is the exhibit referred to as **Exhibit BG-12** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

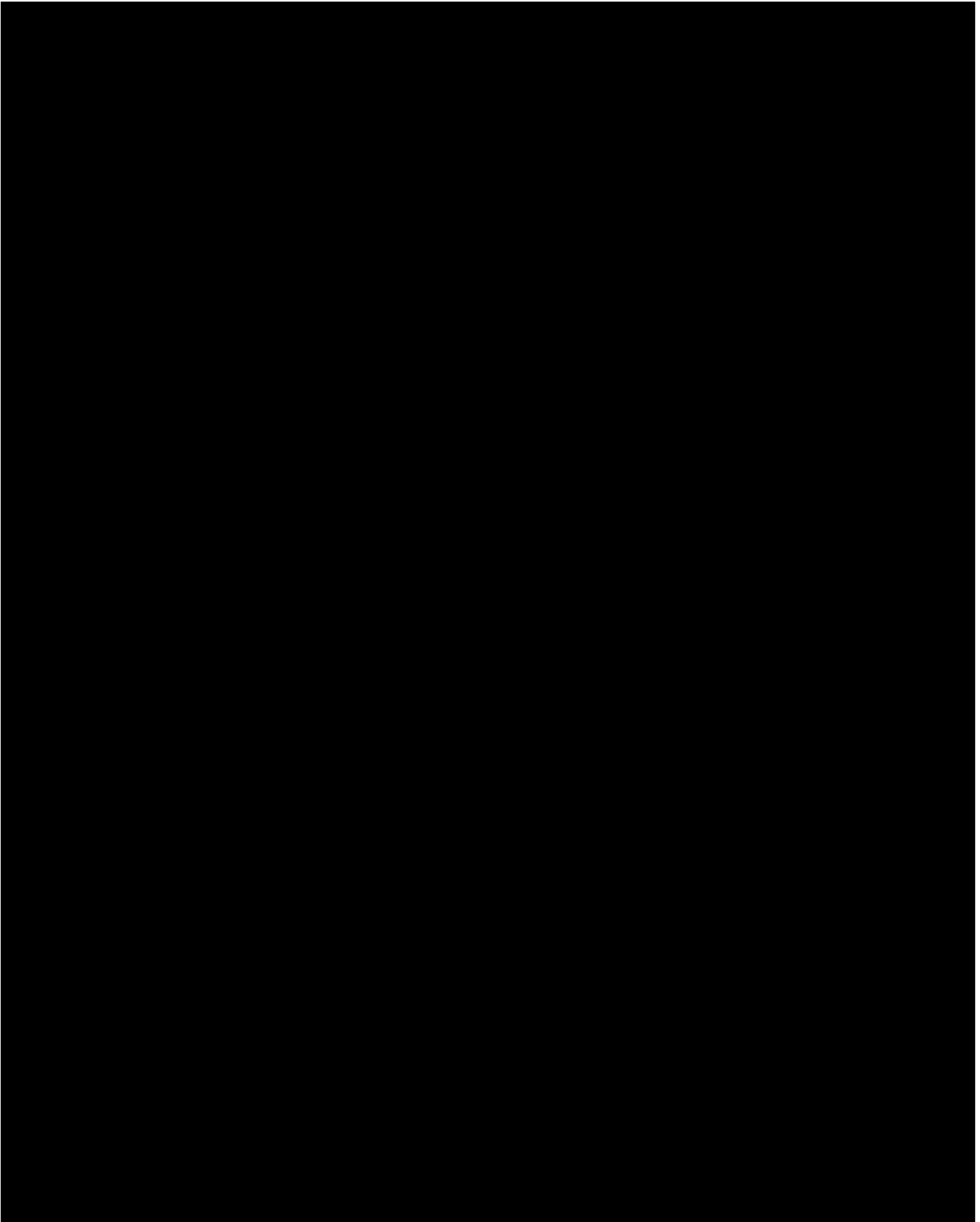
Before me:.....

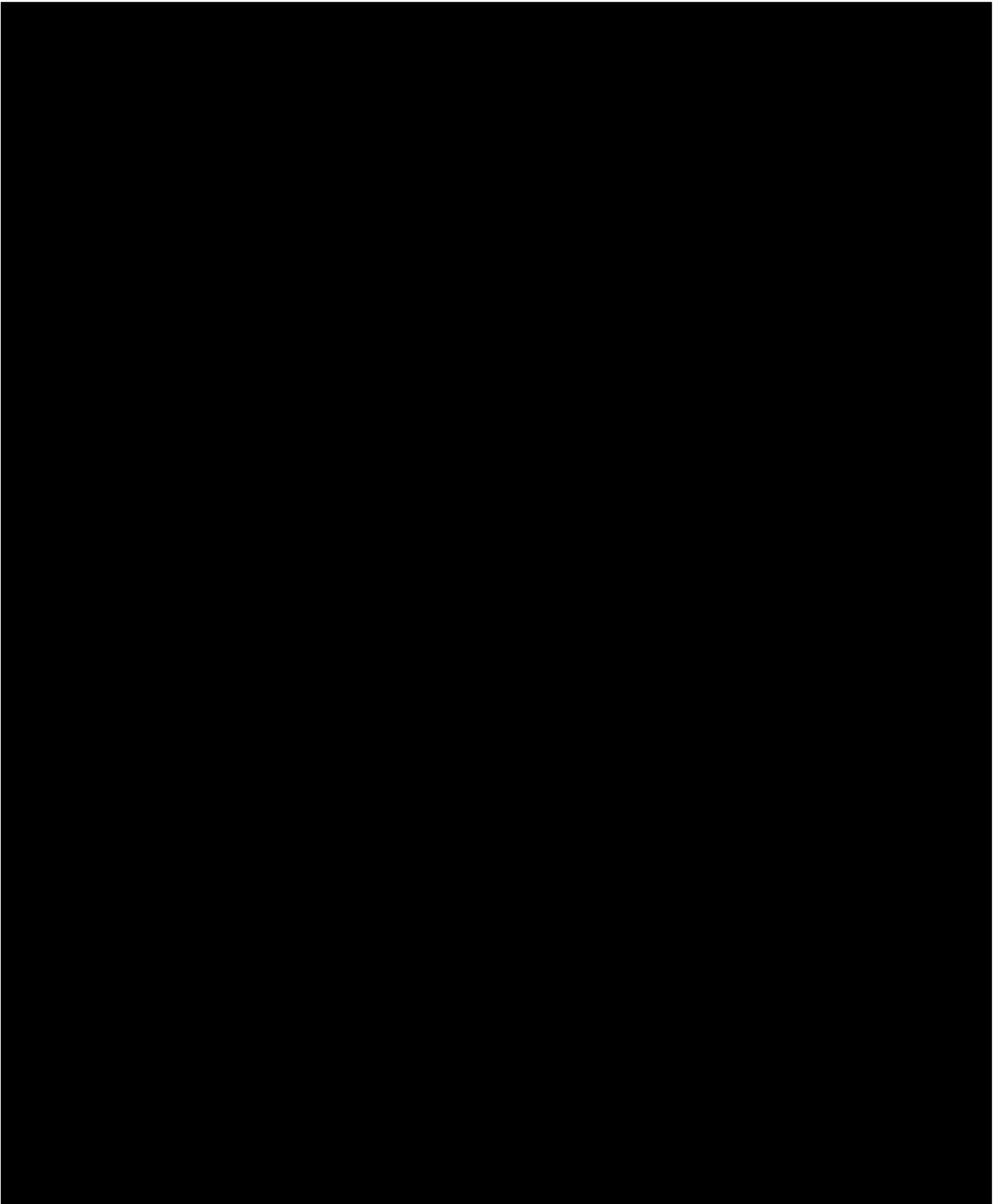
*Martin Duc Vu*  
*Justice of the Peace in NSW (203335)*

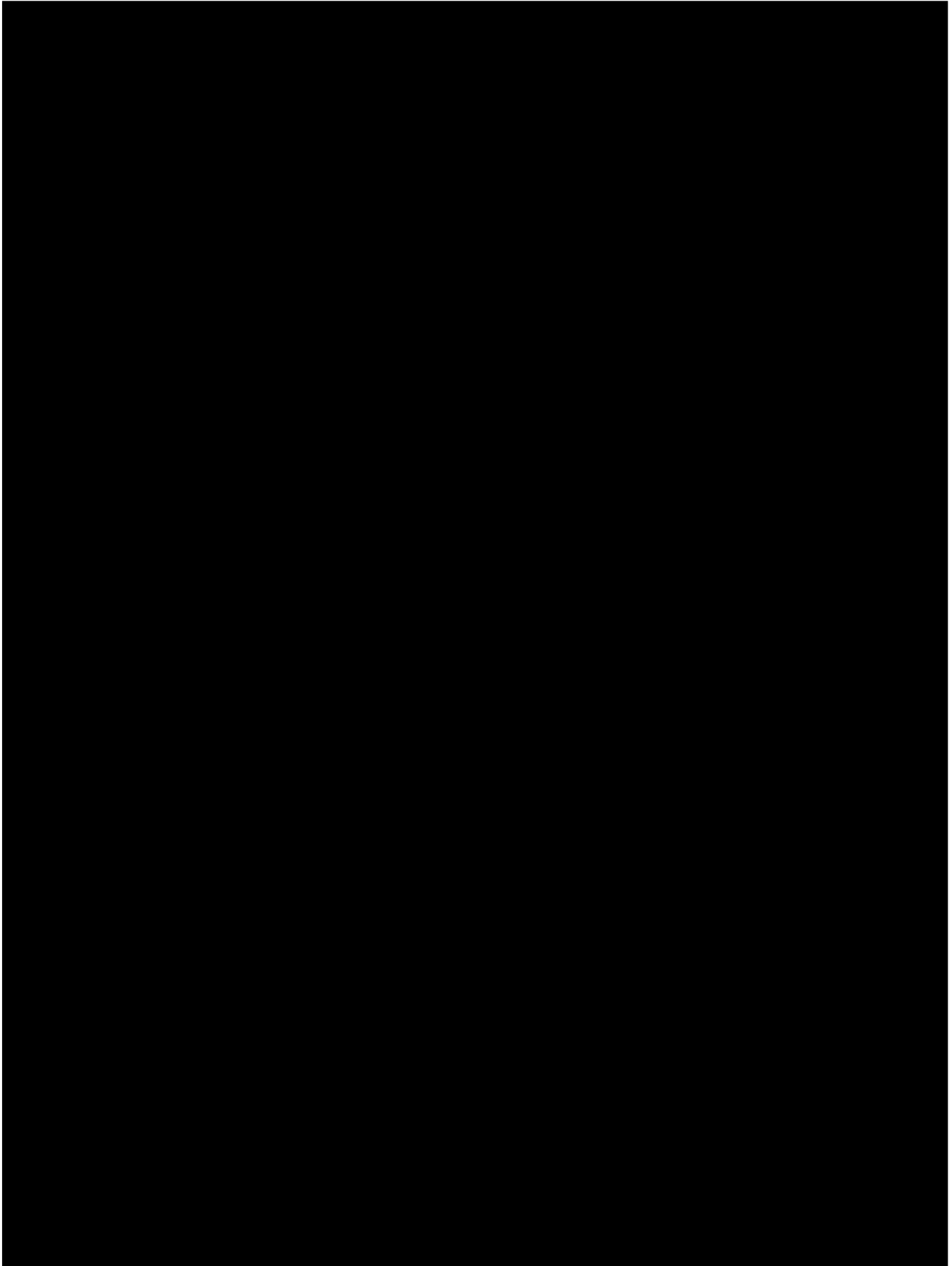
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000		
	Attention: Nicolette Bearup		











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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-13**

This is the exhibit referred to as **Exhibit BG-13** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....



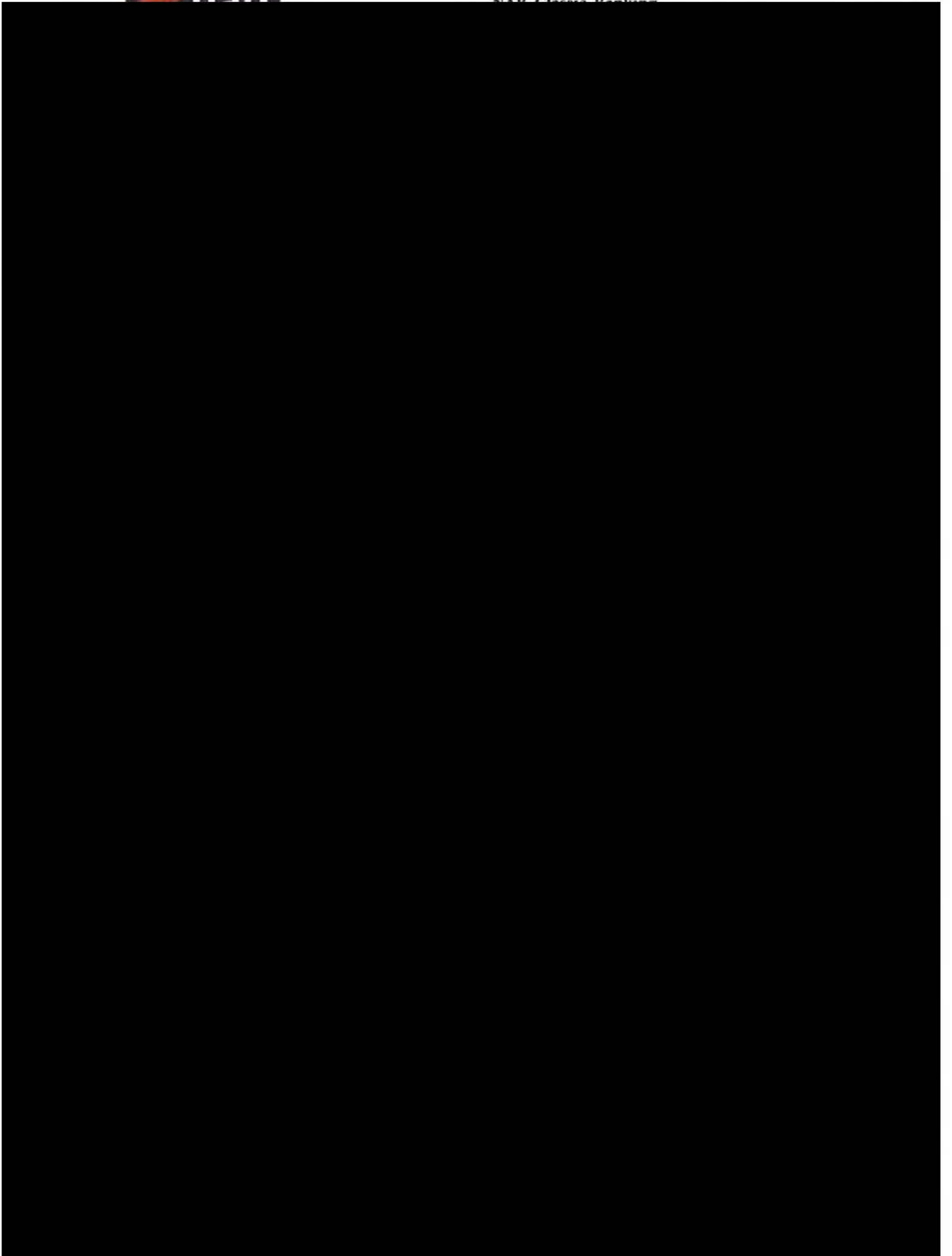
Martin Dac Vy  
 Justice of the Peace in NSW (203335)

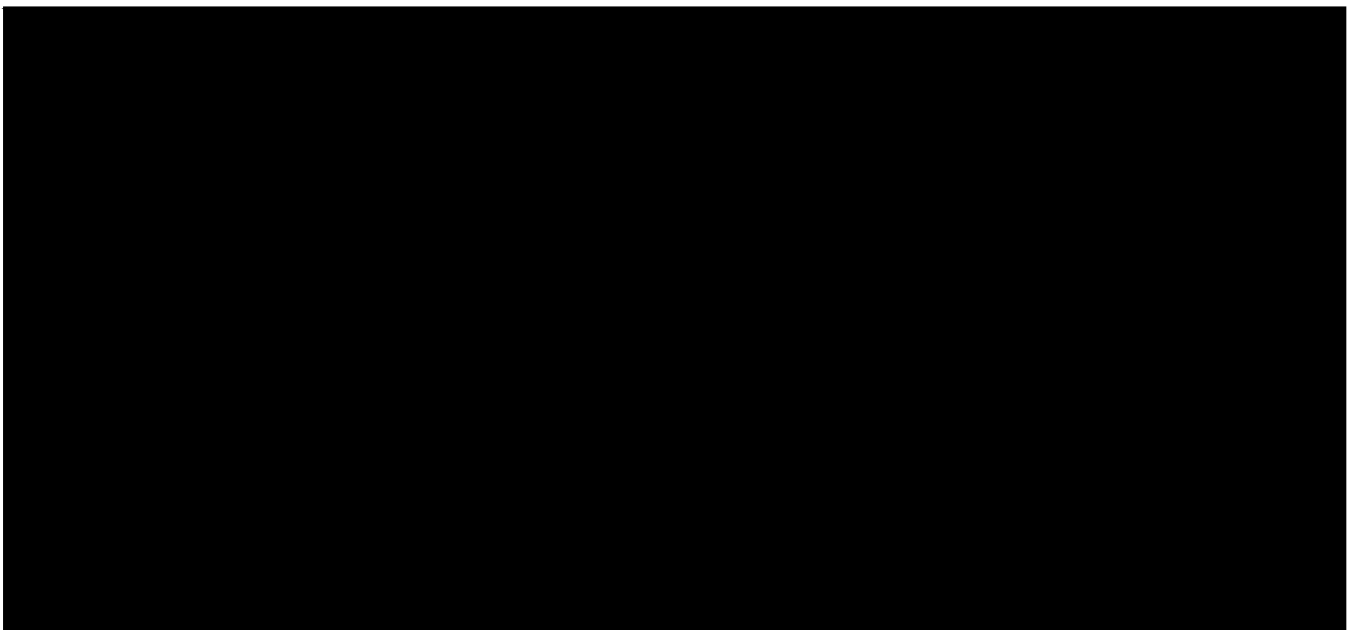
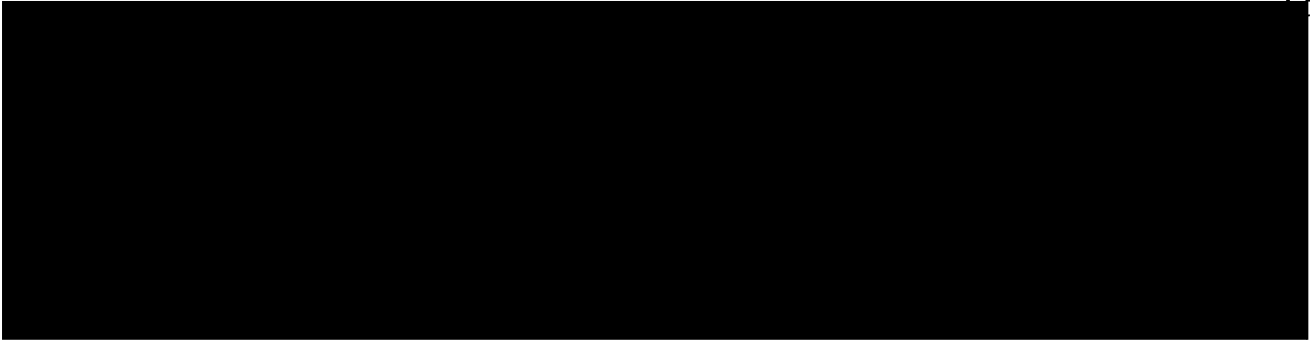
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		





NAB Classic Bookings





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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

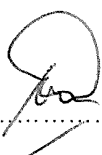
**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-14**

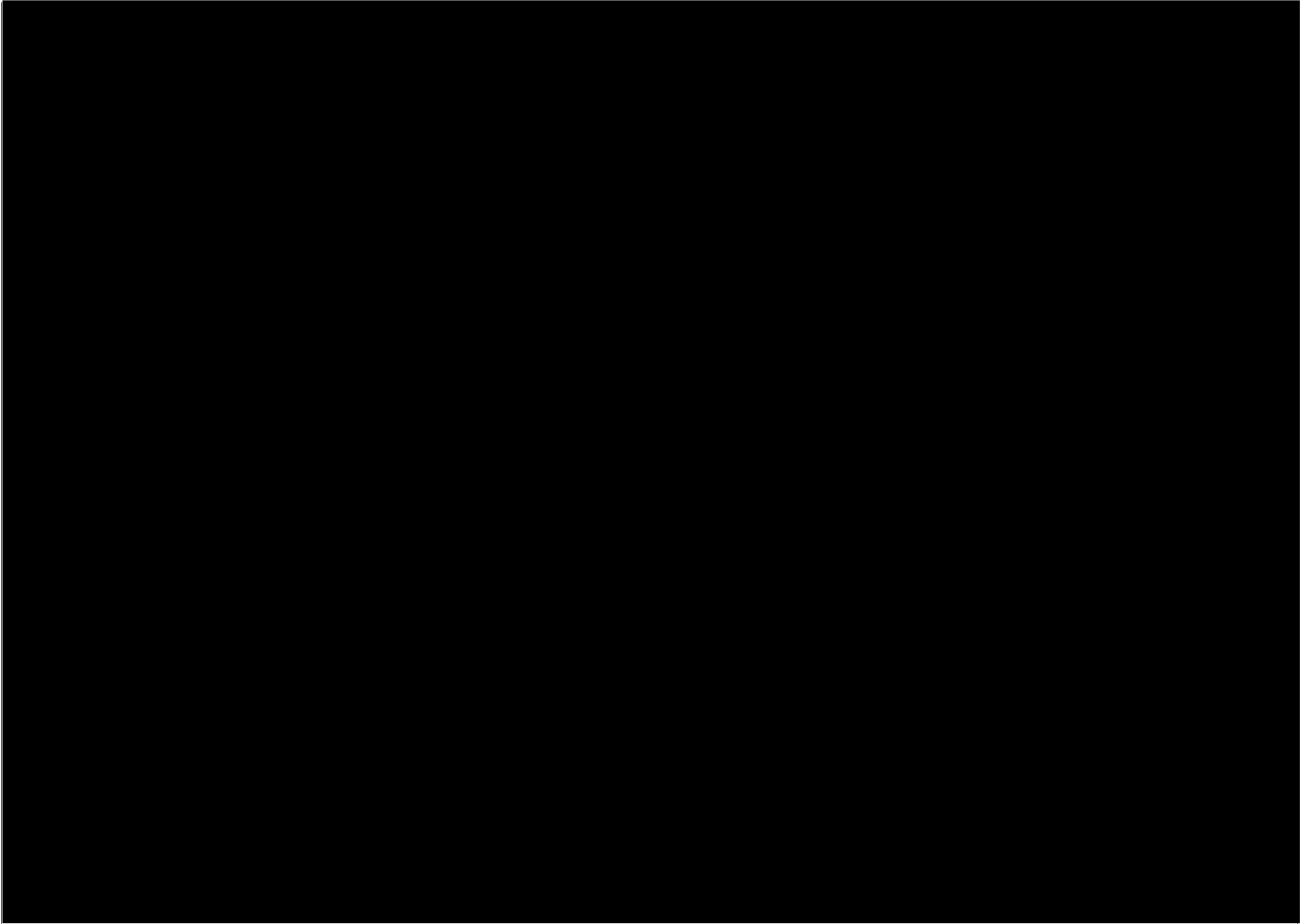
This is the exhibit referred to as **Exhibit BG-14** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

Before me:.....

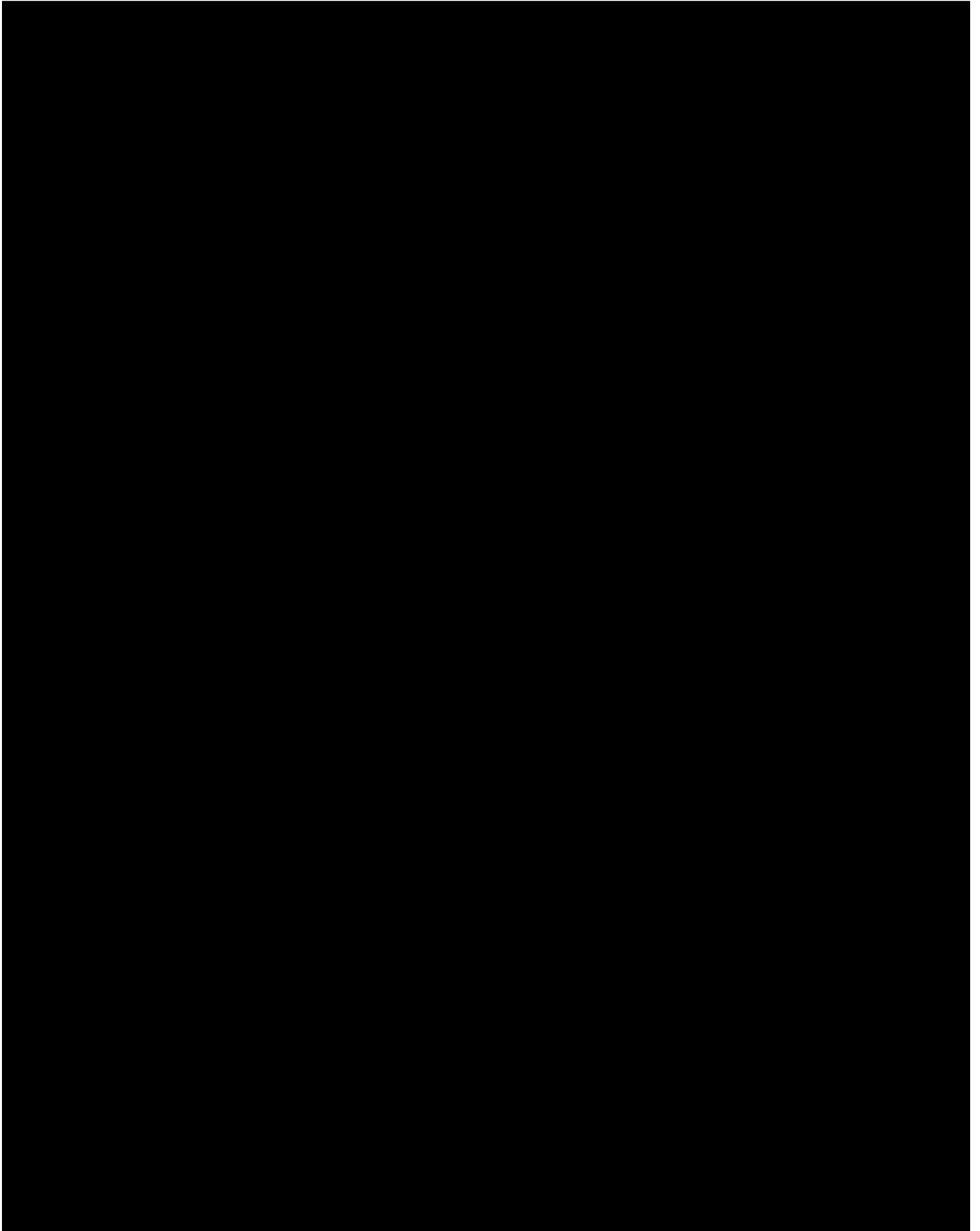


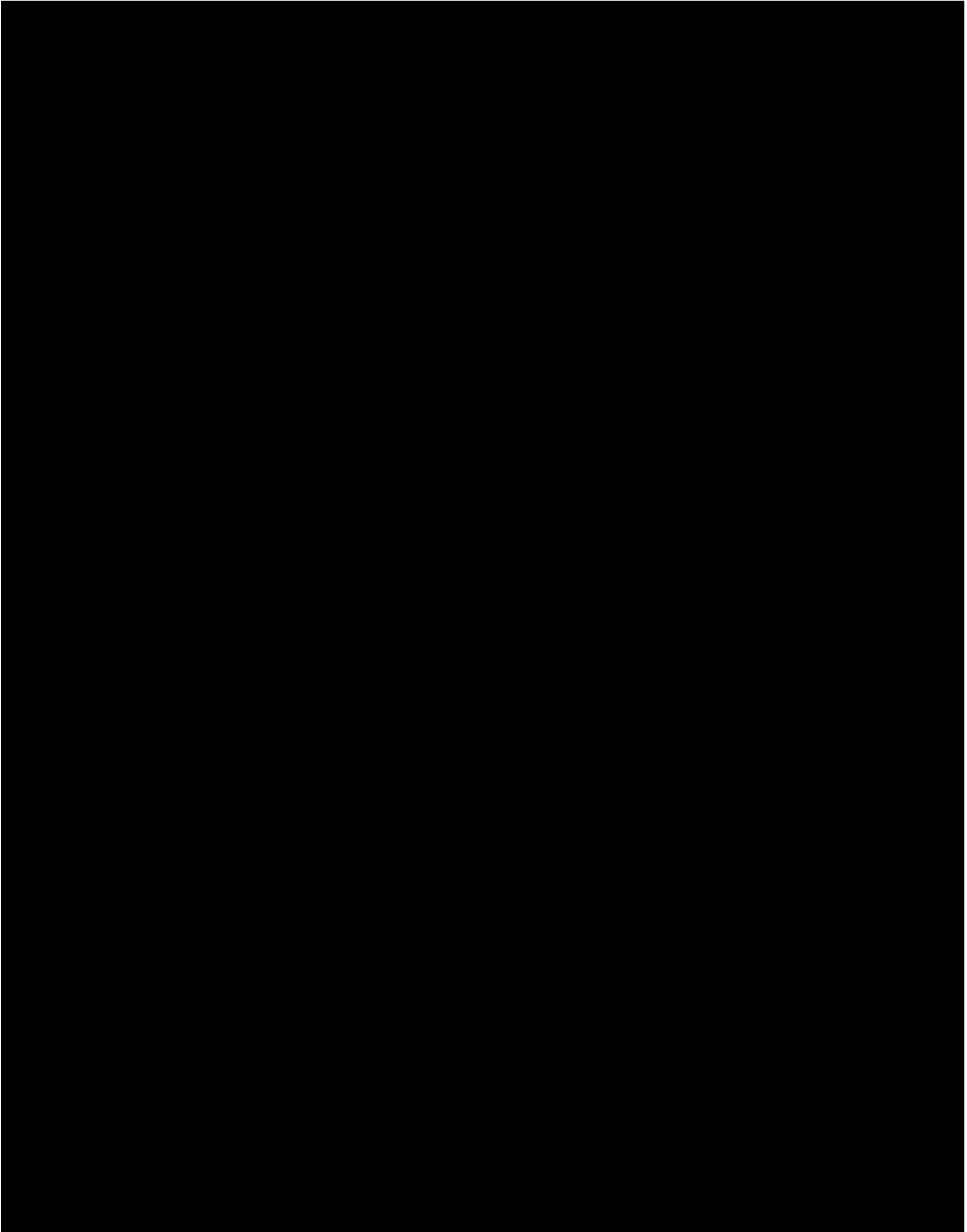
Martin Duv  
 Justice of the Peace in NSW (203335)

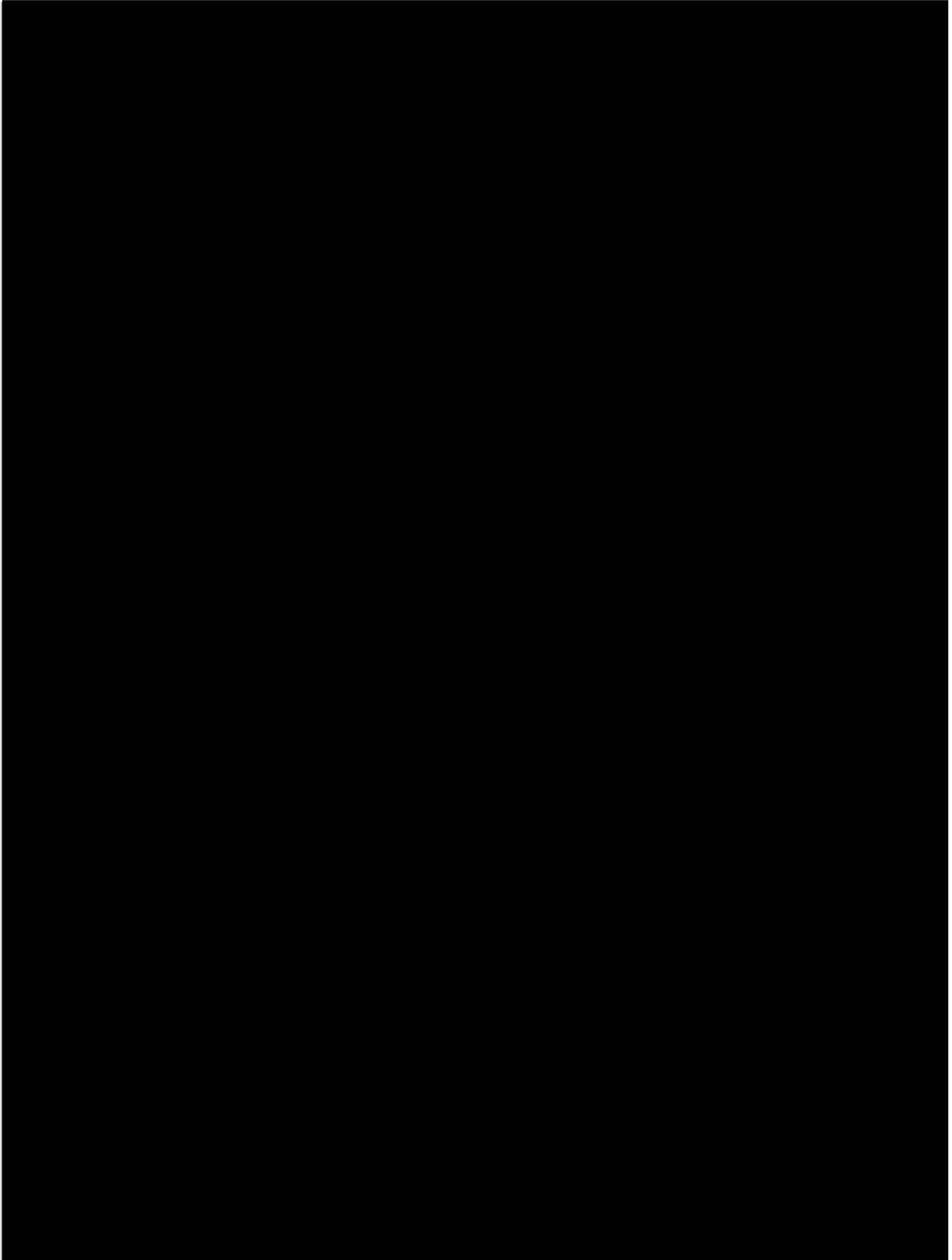
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel (02) 9911 5745		Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		



—J







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

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-15**

This is the exhibit referred to as **Exhibit BG-15** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

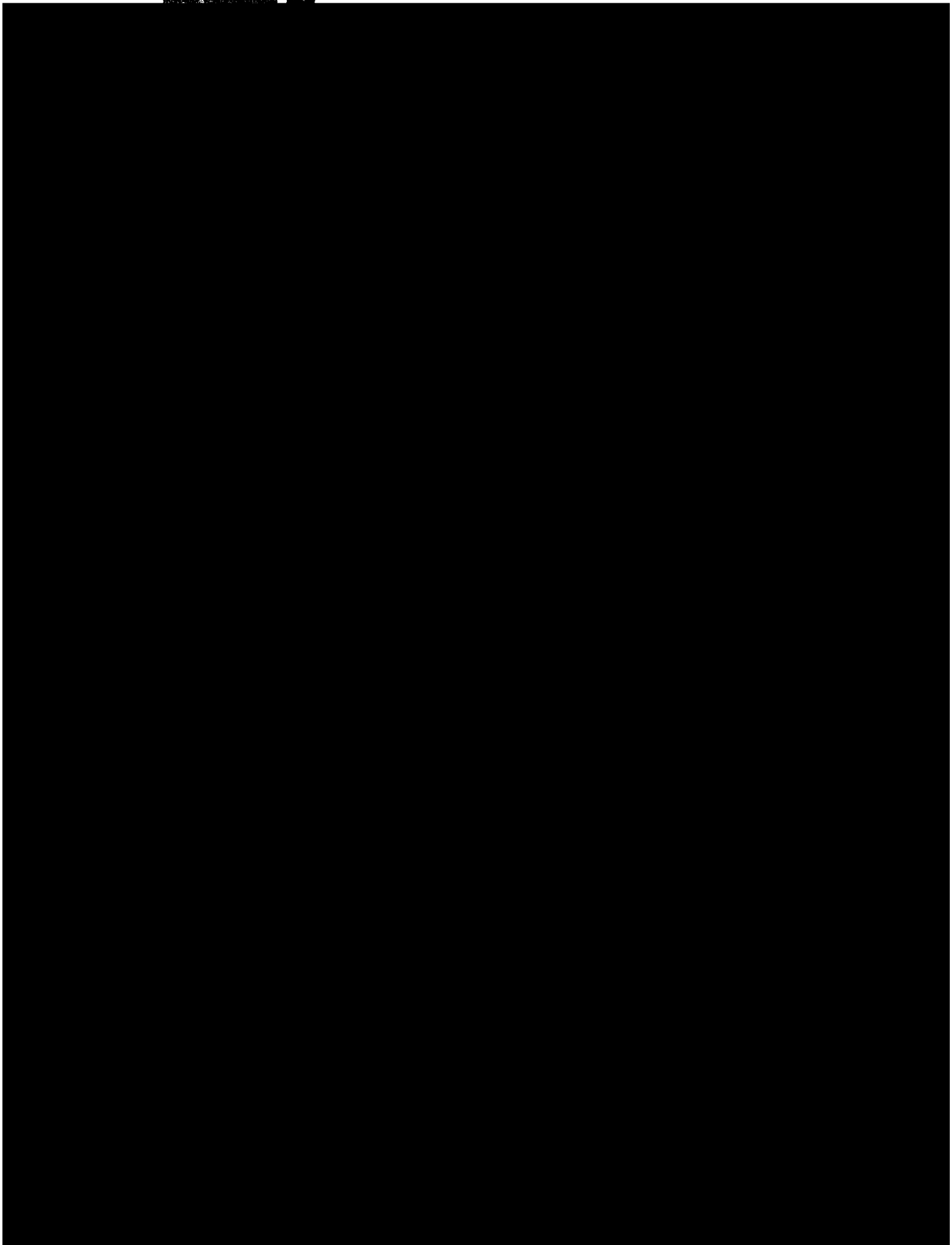
Before me:.....

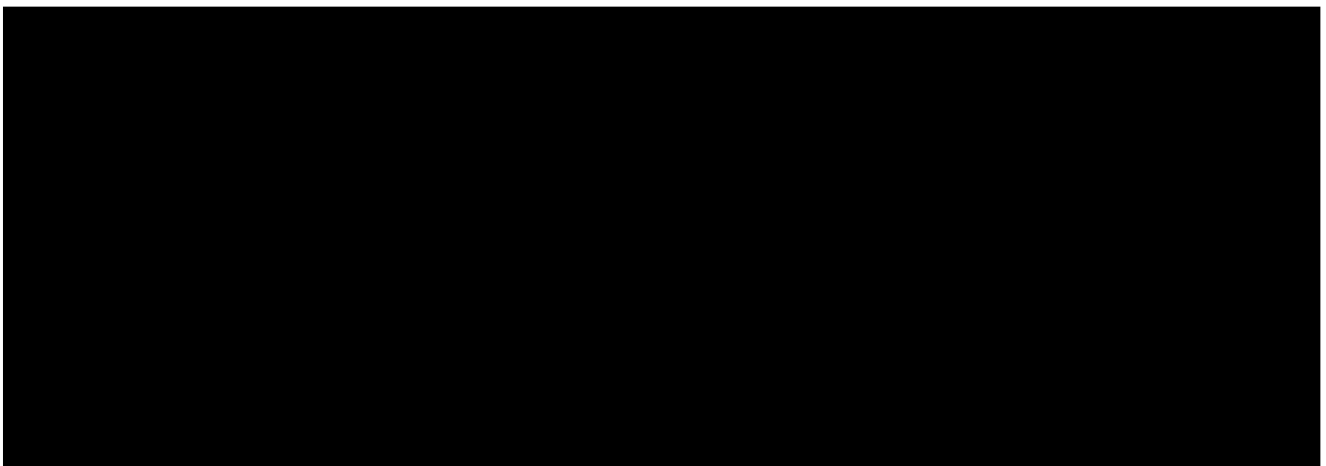
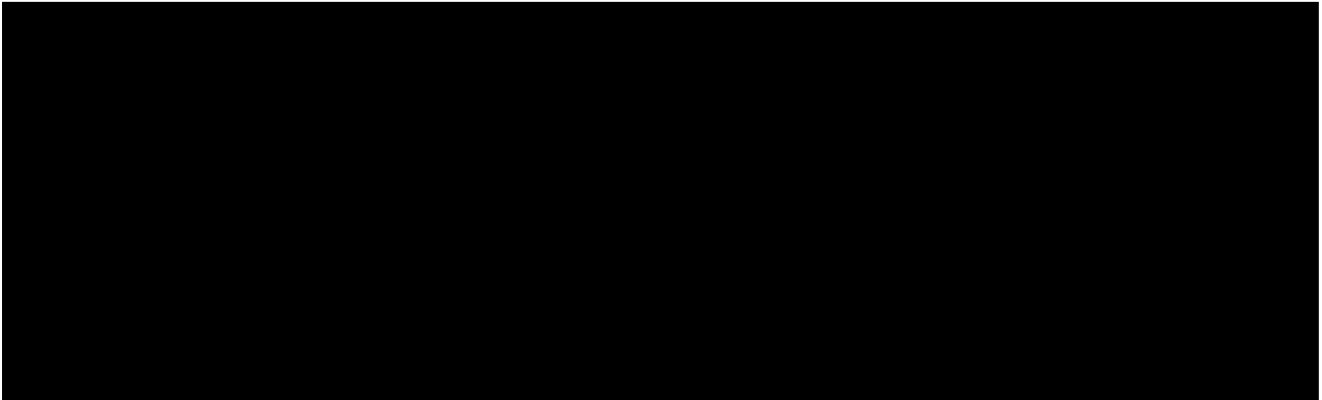


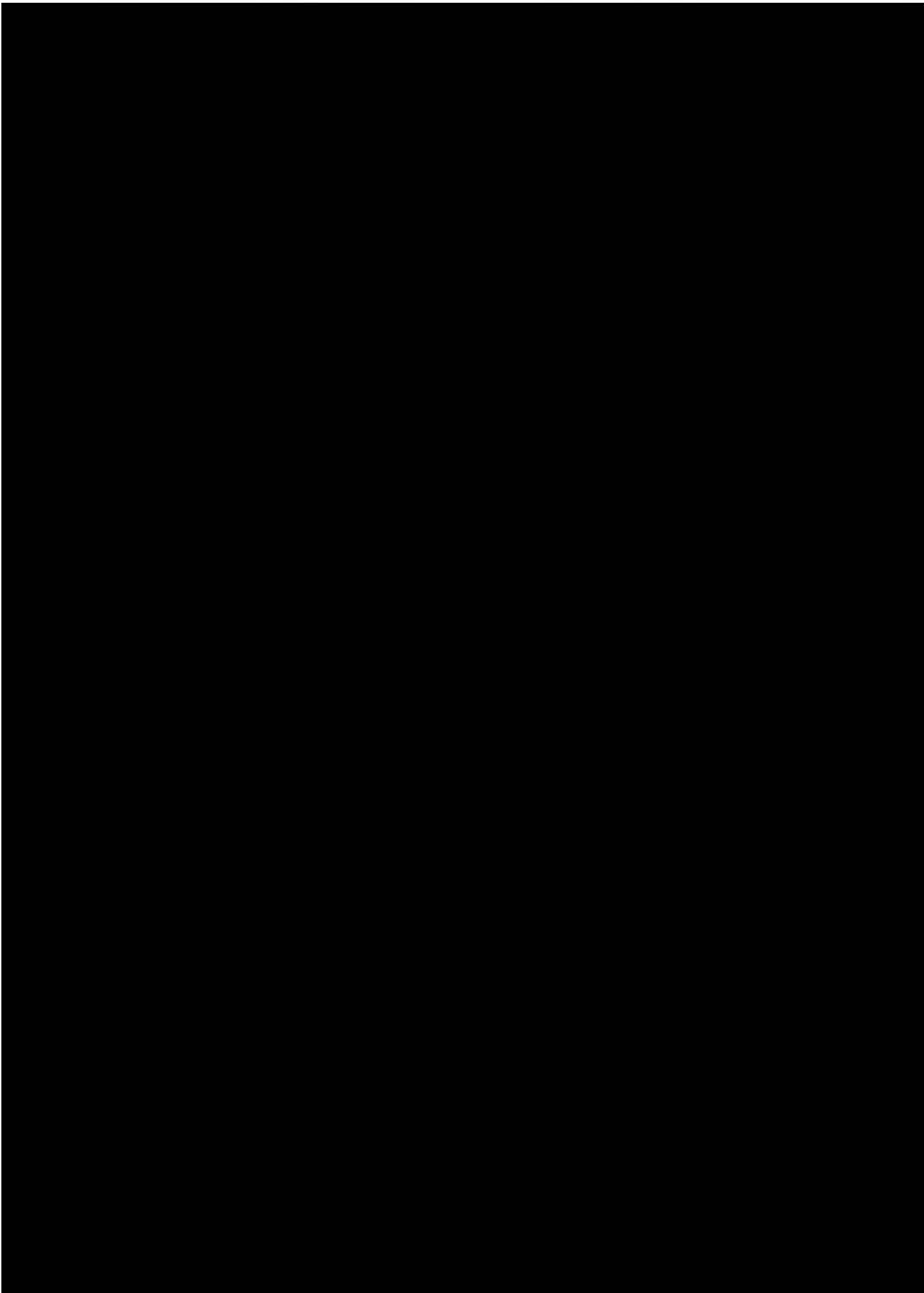
*Martin Dine Vn  
 Justice of the Peace in NSW (203335)*

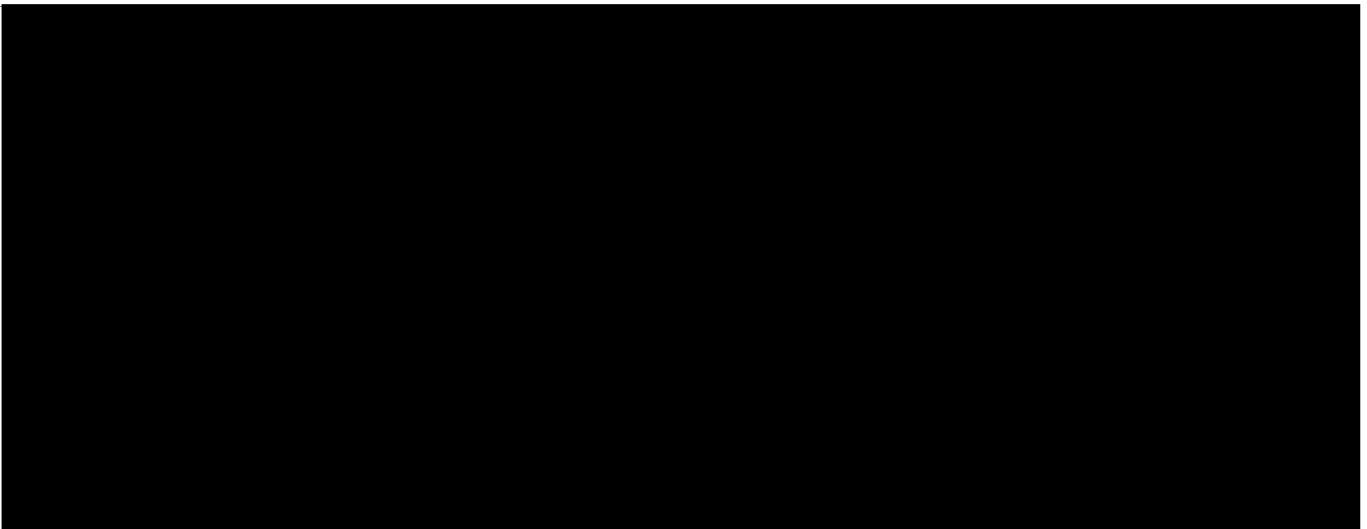
Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		

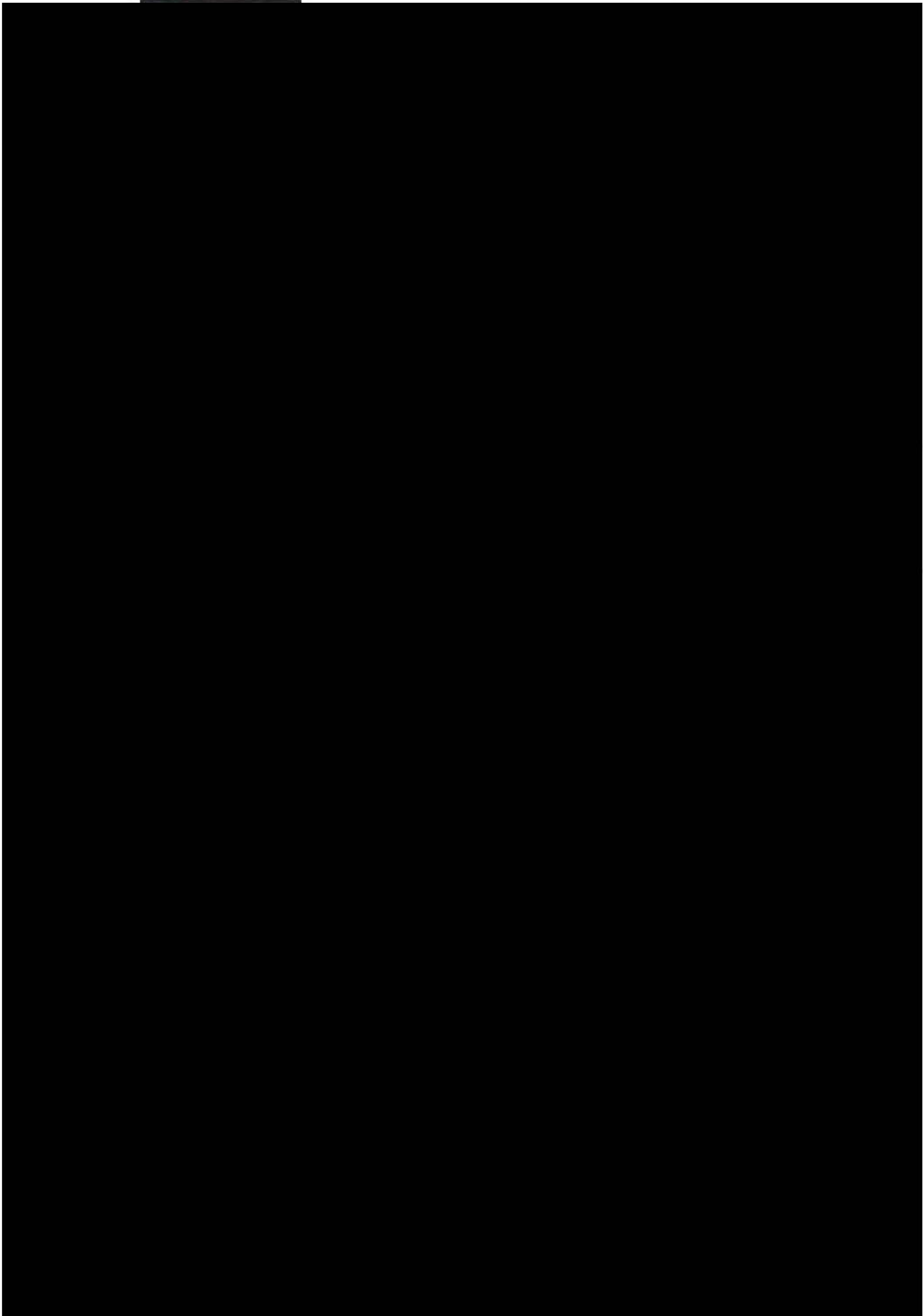


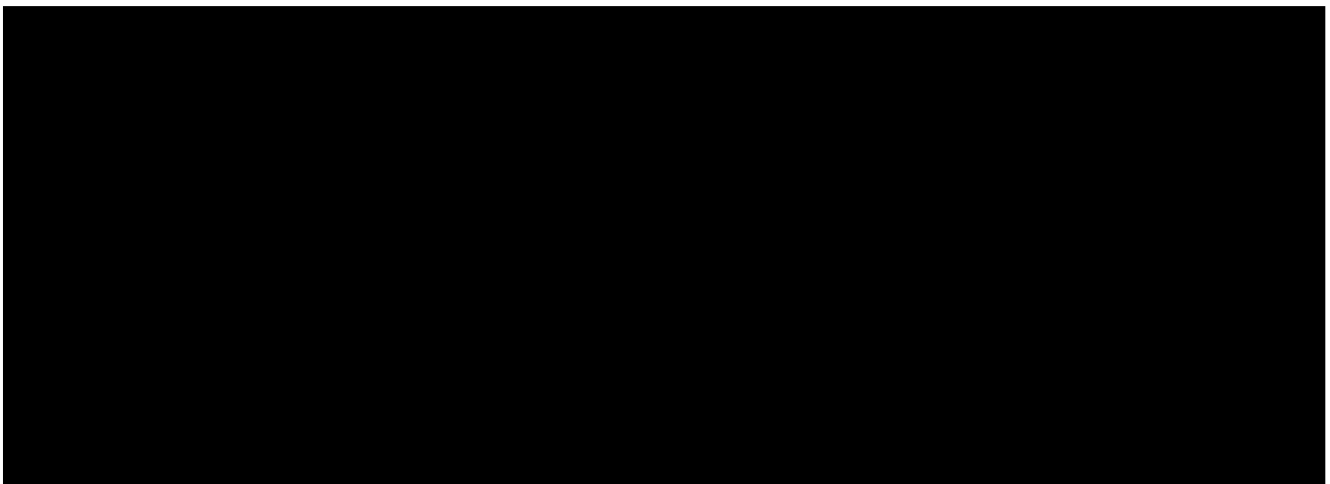


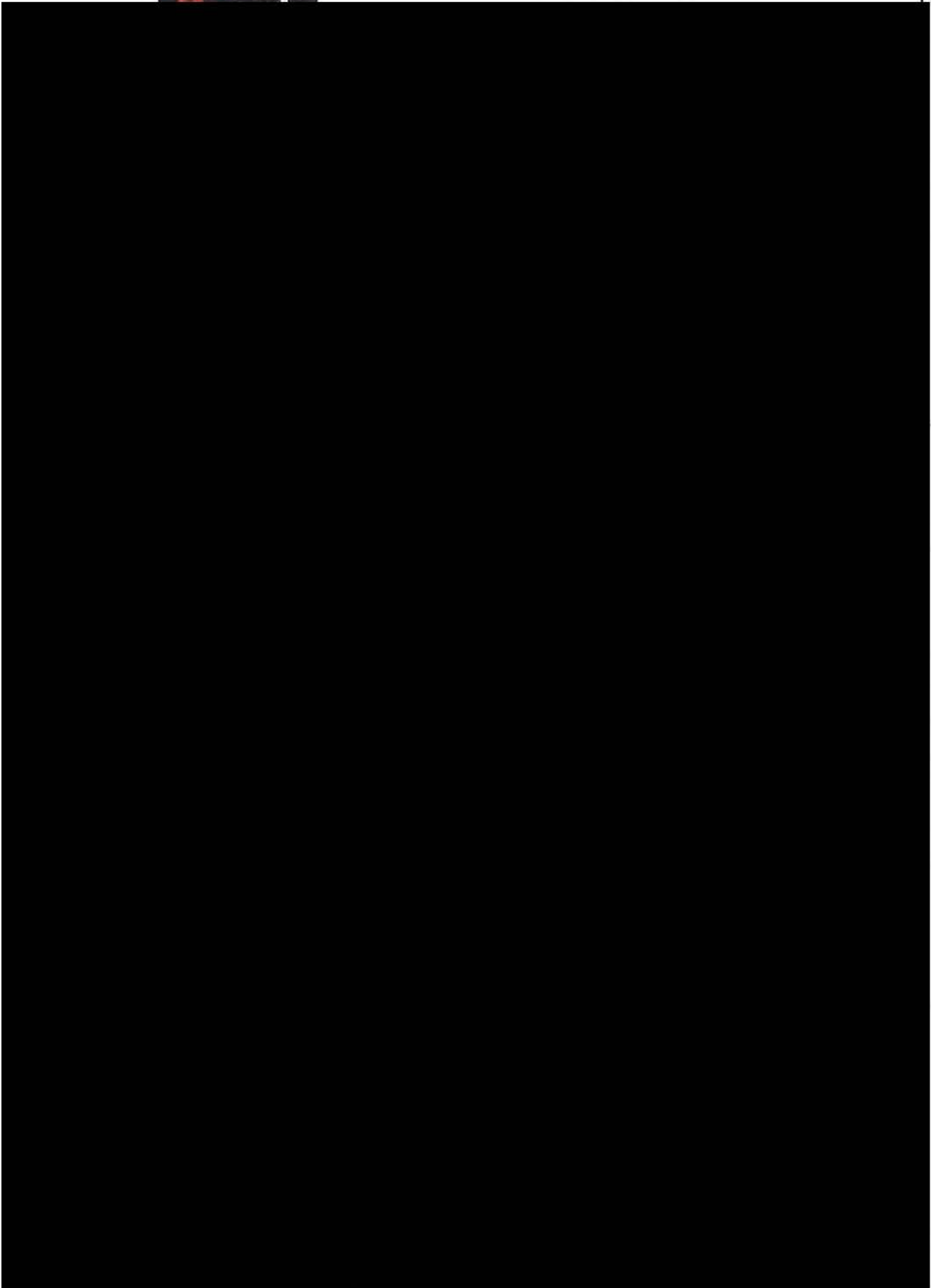






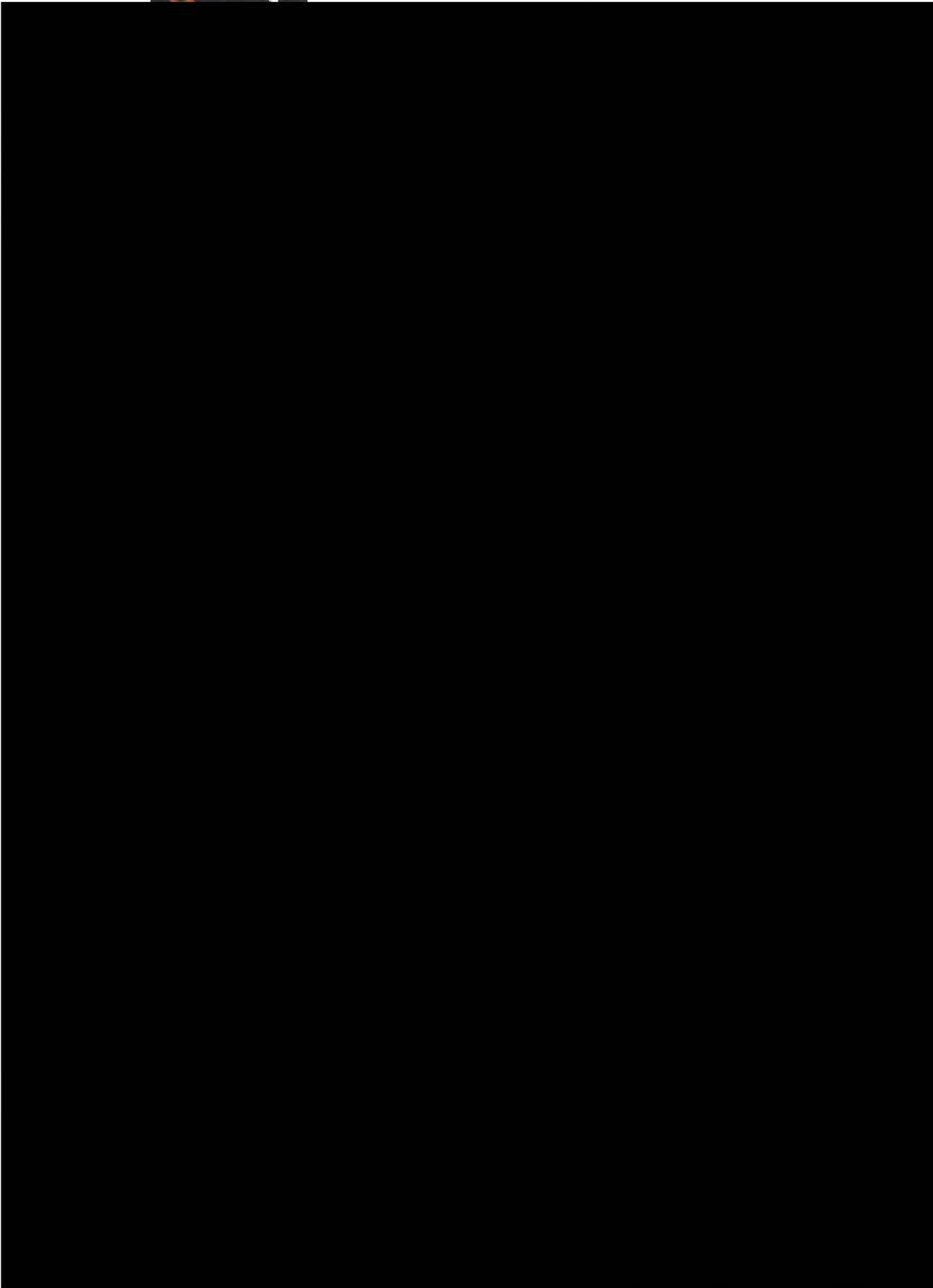




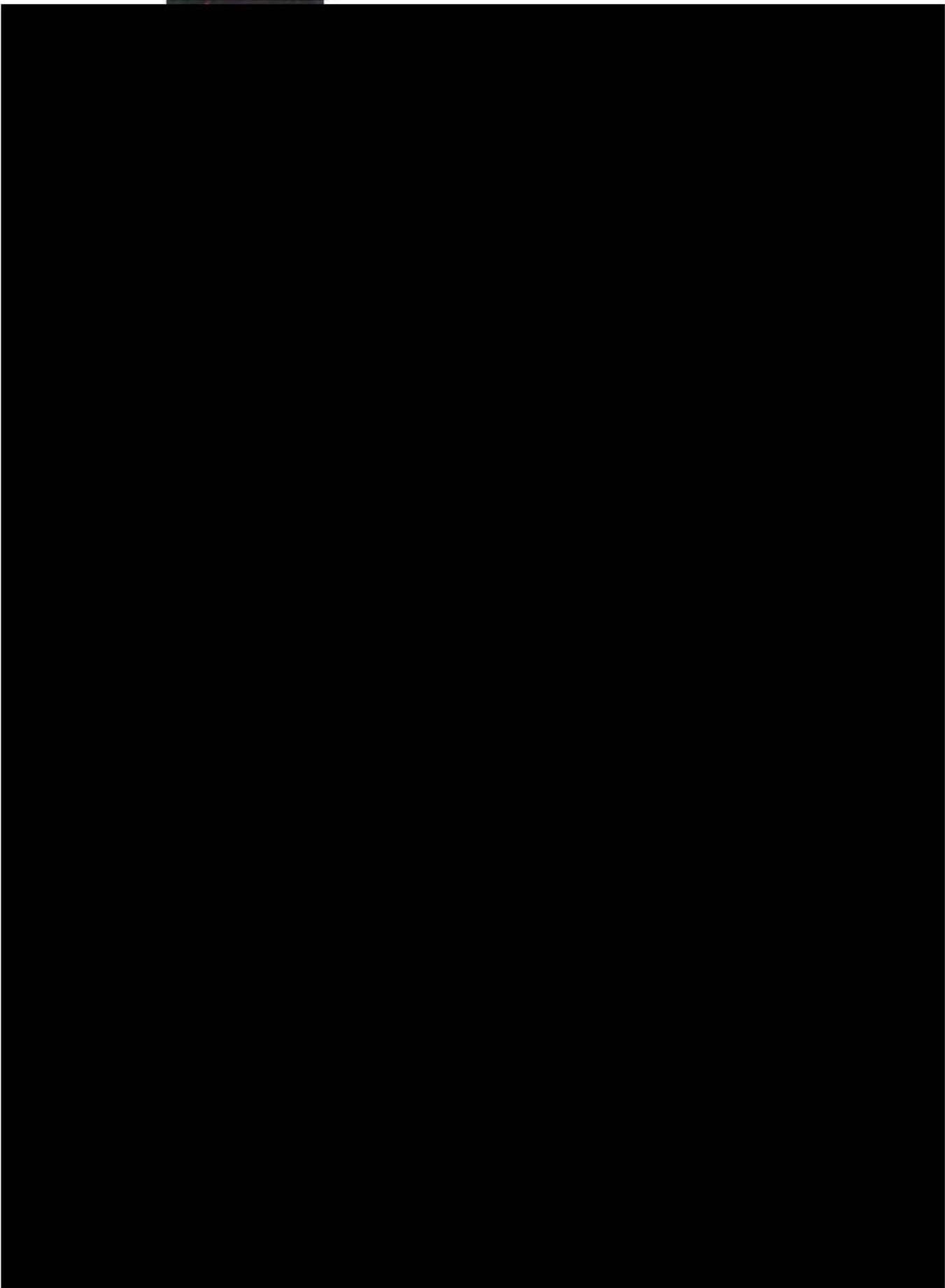














Federal Court of Australia  
 District Registry: New South Wales  
 Division: Commercial and Corporations

No. NSD 1220 of 2020

**IN THE MATTER OF MALIVER PTY LTD**

ACN: 164 334 918

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

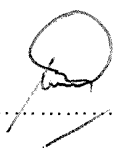
**MELISSA LOUISE CADDICK and another**

Defendants

**Exhibit BG-16**

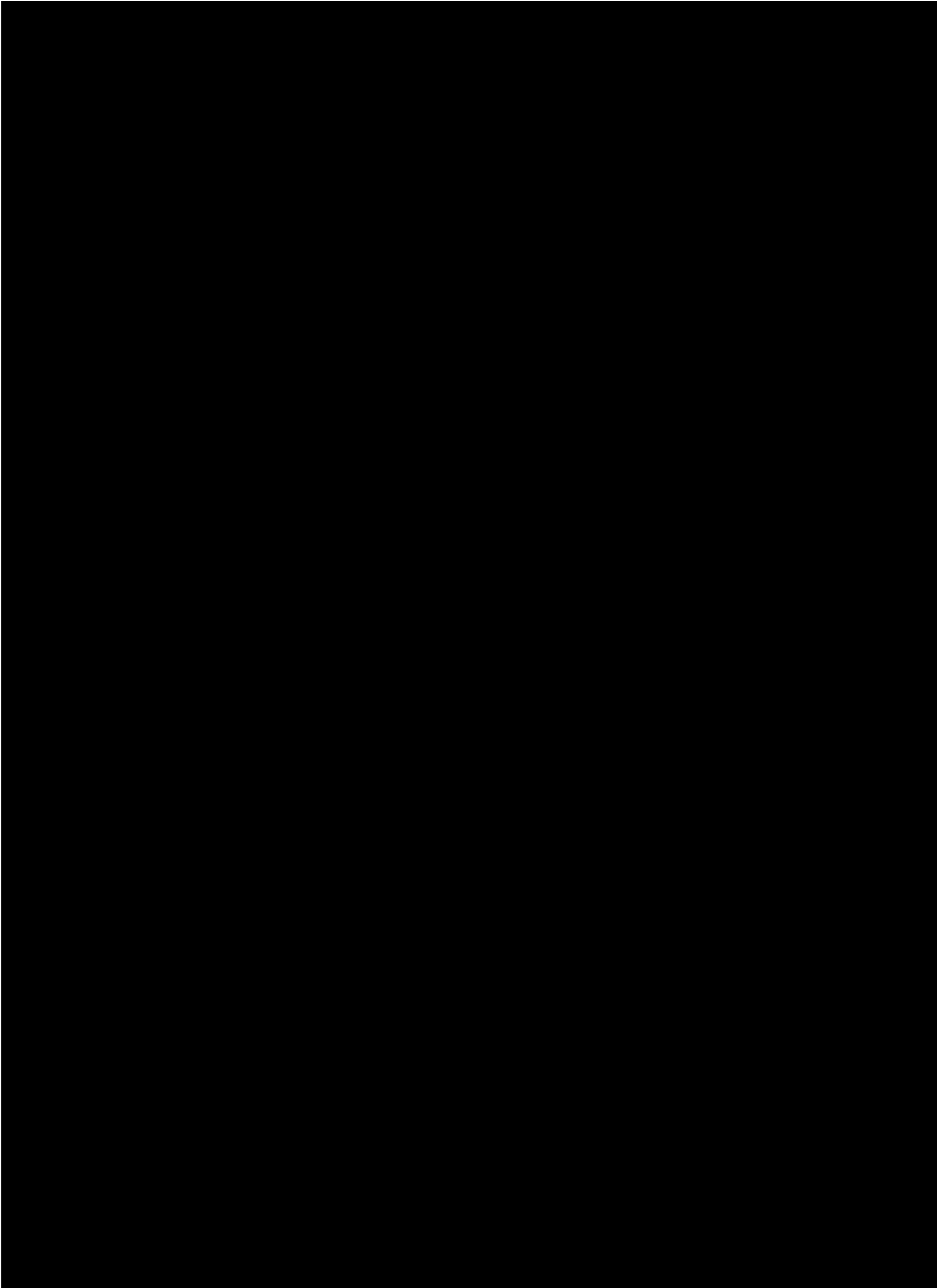
This is the exhibit referred to as **Exhibit BG-16** in the affidavit of Bruce Gleeson sworn on 25 June 2021.

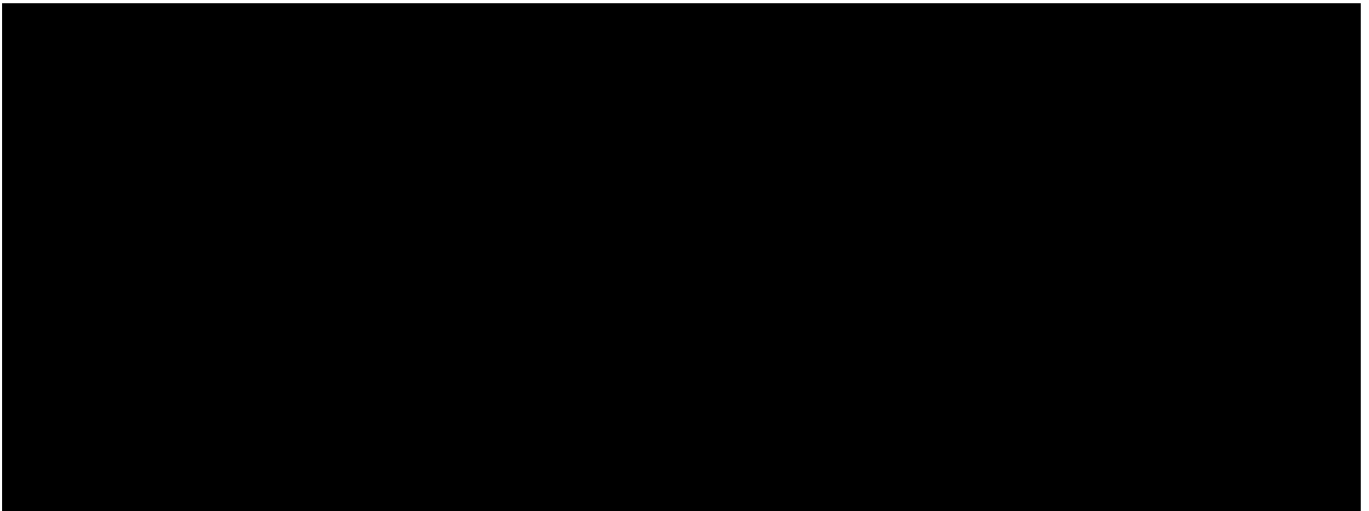
Before me:.....

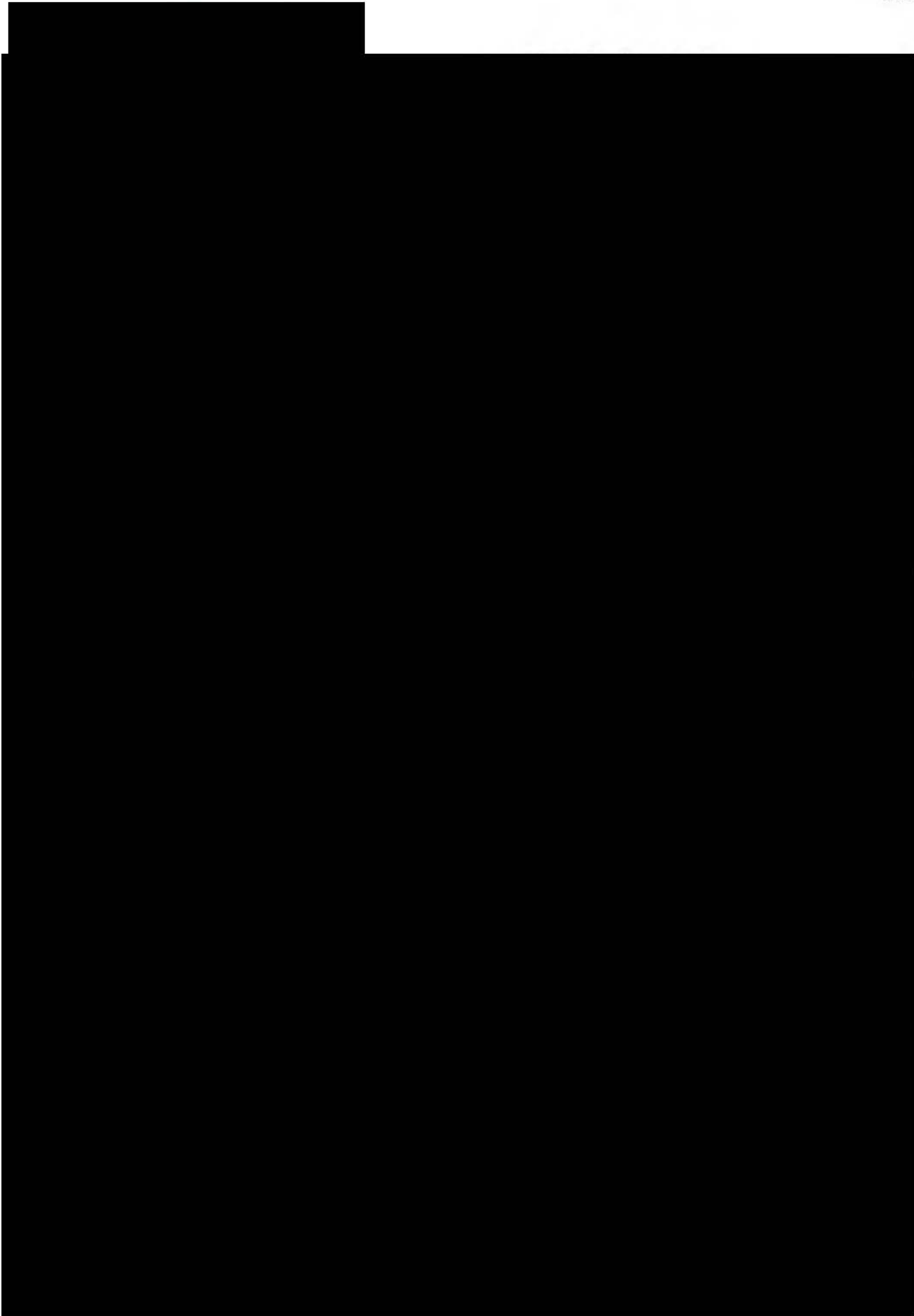


Martin Dac Vy  
 Justice of the Peace in NSW (20373T)

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Tel	(02) 9911 5745	Fax	(02) 9911 2414
Email	Nicolette.Bearup@asic.gov.au		
<b>Address for service</b>	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup		

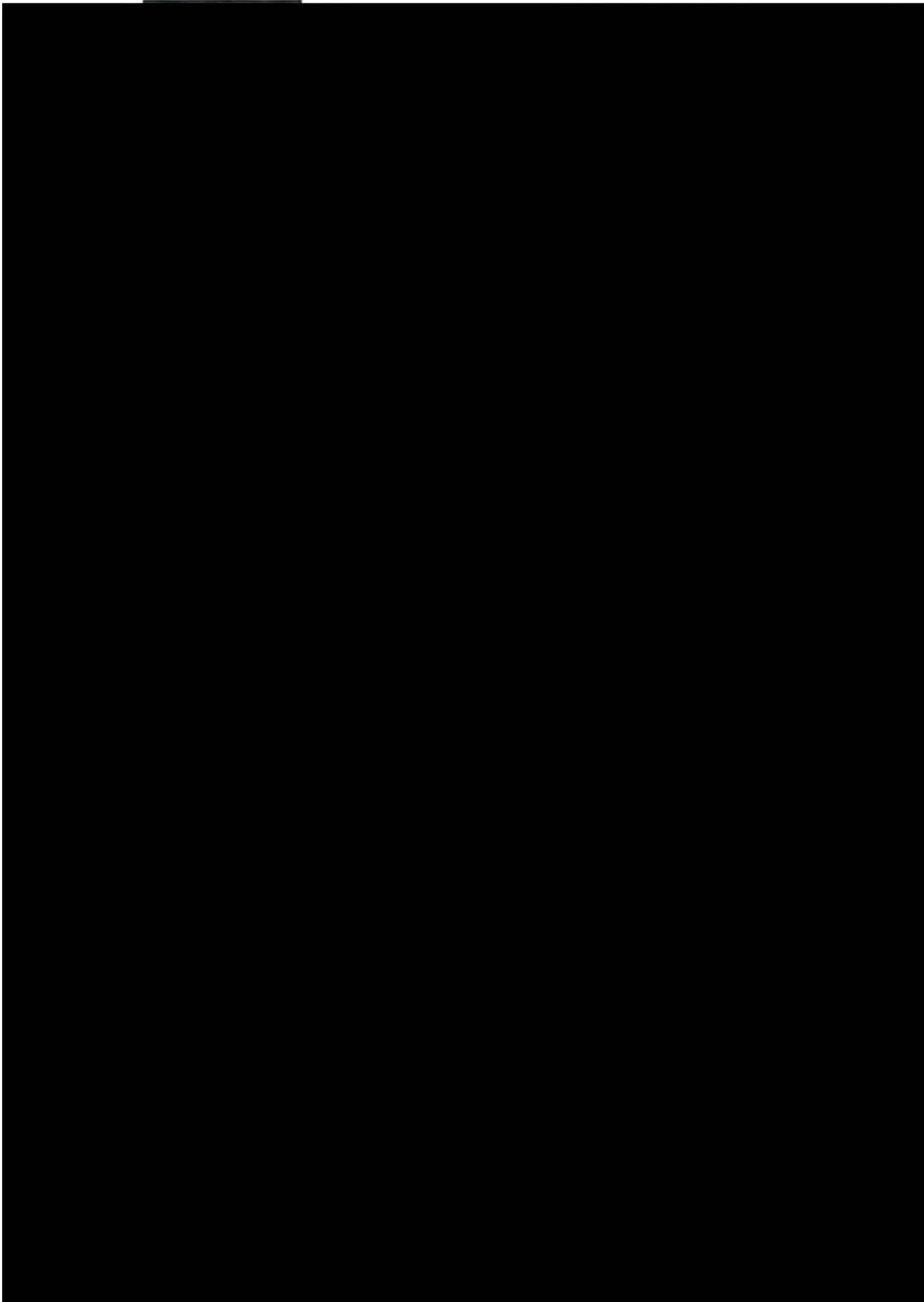




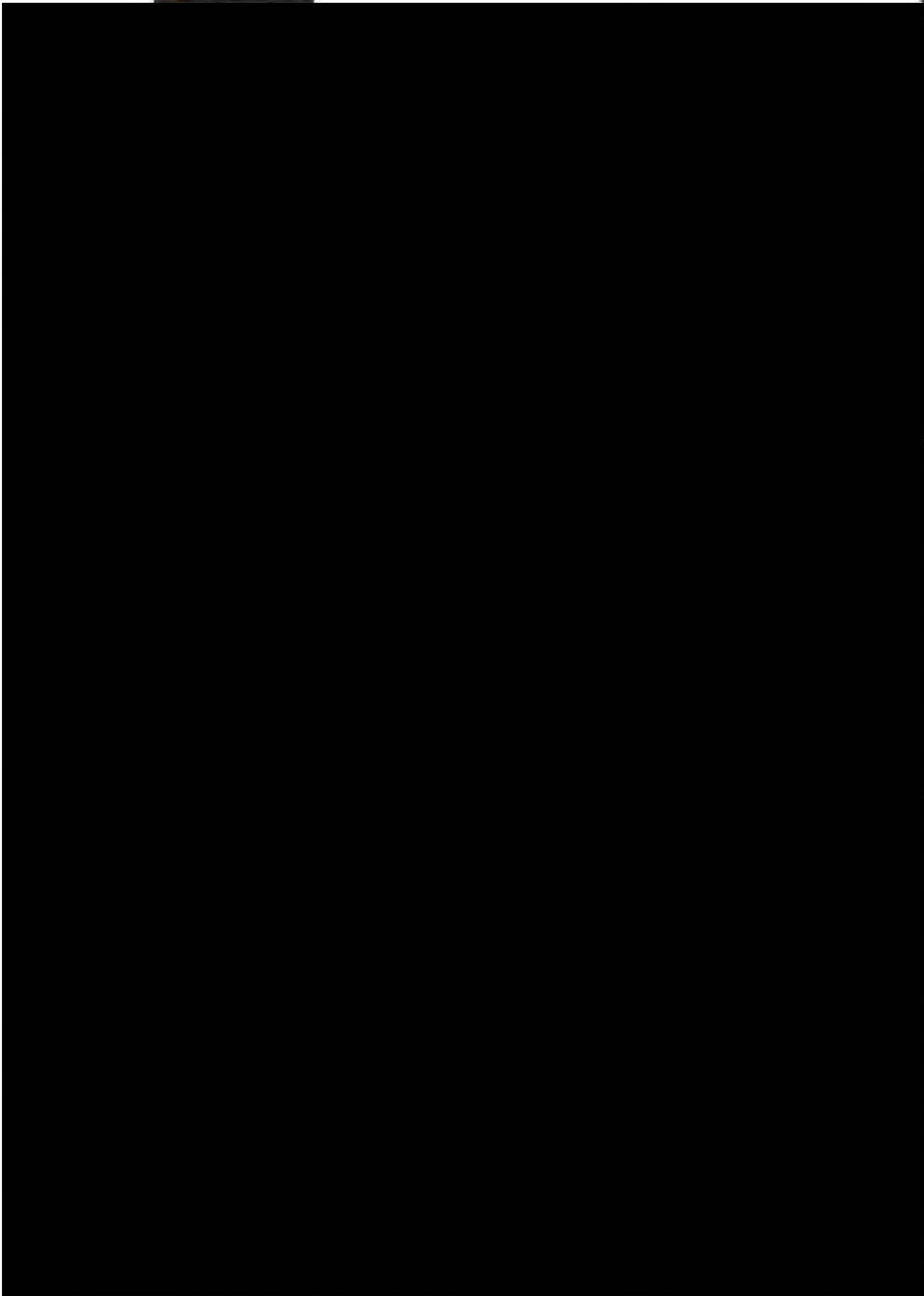


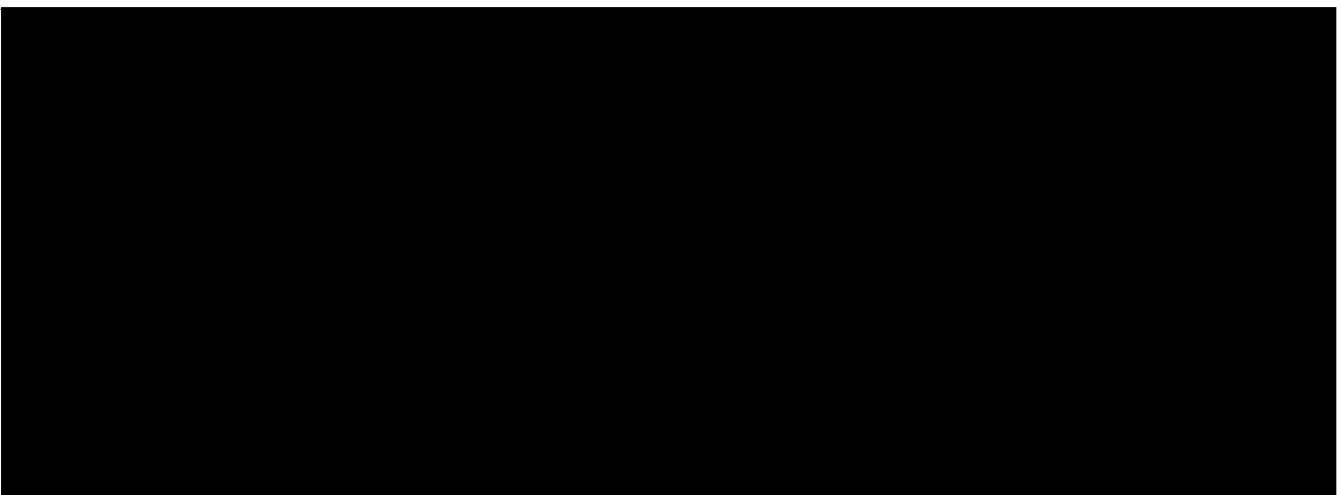












MAL-1086.0001.3232

159

