

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 16/03/2021 8:46:47 PM AWST 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:	WAD59/2021
File Title:	ADAM NICHOLAS IAN FLETCHER & ORS v CHRISTOPHER MICHAEL BROWN & ANOR
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Dated: 17/03/2021 3:58:06 PM AWST

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. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

Affidavit of: **Nirupa Manoharan**
Address: c/-Level 24, 240 St Georges Tce, Perth WA 6000
Occupation: Partner
Date: 16 March 2021

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Filed on behalf of (name & role of party)	The Plaintiffs
Prepared by (name of person/lawyer)	Nirupa Manoharan
Law firm (if applicable)	Mills Oakley
Tel	+61 8 6167 9800
Fax	+61 8 6167 9898
Email	perthreception@millsoakley.com.au
Address for service (include state and postcode)	Level 24, 240 St Georges Tce, Perth WA 6000

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5	Annexure "NM-04", being a copy of an email dated 15 March 2021 from Ms Manoharan to Mr Hunt attaching a demand from 365 Plant Hire Pty Ltd to Mr Brown	5(d)	37 - 41
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I, Nirupa Manoharan of Level 24, 240 St Georges Tce, Perth, Western Australia, Partner, Mills Oakley, make an affirmation and say as follows:

1. I am a Partner employed by Mills Oakley, the solicitors for the plaintiffs in these proceedings.




2. I have the day to day conduct of this matter and am authorised to affirm this affidavit on behalf of the plaintiffs.
3. Except where otherwise stated, I make this affidavit from my own knowledge and belief. Where I depose to information and belief, I believe those matters to be true and correct.
4. I make this affidavit in support of the plaintiffs' originating process and interlocutory process filed 16 March 2021.

Demands to Christopher Michael Brown

5. On 15 March 2021, I sent separate emails to John Hunt of HopgoodGanim (**Mr Hunt**), who I am instructed acts for the first defendant, Mr Brown, attaching a demand (**Demand**) from:
 - (a) Adam Fletcher to Mr Brown. Attached hereto and marked "**NM-01**" is a copy of the email dated 15 March 2021 from me to Mr Hunt attaching the demand from Mr Fletcher to Mr Brown;
 - (b) Stuart Campbell to Mr Brown. Attached hereto and marked "**NM-02**" is a copy of the email dated 15 March 2021 from me to Mr Hunt attaching the demand from Mr Campbell to Mr Brown;
 - (c) Jaysen Taylor to Mr Brown. Attached hereto and marked "**NM-03**" is a copy of the email dated 15 March 2021 from me to Mr Hunt attaching the demand from Mr Taylor to Mr Brown;
 - (d) 365 Plant Hire Pty Ltd to Mr Brown. Attached hereto and marked "**NM-04**" is a copy of the email dated 15 March 2021 from me to Mr Hunt attaching the demand from 365 Plant Hire Pty Ltd to Mr Brown;
 - (e) Nameo Pty Ltd to Mr Brown. Attached hereto and marked "**NM-05**" is a copy of the email dated 15 March 2021 from me to Mr Hunt attaching the demand from Nameo Pty Ltd to Mr Brown; and
 - (f) Jaytona Pty Ltd to Mr Brown. Attached hereto and marked "**NM-06**" is a copy of the email dated 15 March 2021 from me to Mr Hunt attaching the demand from Jaytona Pty Ltd to Mr Brown.
6. Each of the emails to Mr Hunt enclosing the Demands requested Mr Hunt to confirm that day if he did not hold instructions to accept service of the Demands. As at the date of affirming this affidavit, I have received no response from Mr Hunt.



Communications with [REDACTED]

7. On 12 March 2021, Nader El Sayed emailed me (**12 March Sayed Email**) a copy of:
 - (a) an email dated 13 March 2019 purportedly sent from [REDACTED] to Mr Brown (**13 March 2019 Email**); and
 - (b) an email dated 15 March 2019 purportedly sent from [REDACTED] to Mr Brown (**15 March 2019 Email**).
8. Attached hereto and marked "**NM-07**" is a copy of the 12 March Sayed Email, 13 March 2019 Email and 15 March 2019 Email.
9. On 12 March 2021, I telephoned [REDACTED] in relation to the 13 and 15 March 2019 Emails. I asked [REDACTED] if he would be willing to confirm in writing to me the authenticity of the 13 and 15 March 2019 Emails and he agreed that he would.
10. On 15 March 2021, I received a letter from [REDACTED] in relation to the 13 and 15 March 2019 Emails. Attached hereto and marked "**NM-08**" is a copy of the letter from [REDACTED] to Mills Oakley dated 15 March 2021.

Supporting creditor in Federal Court proceedings WAD 299 of 2020

11. On 12 March 2021, Mills Oakley filed a notice of appearance on behalf of Mr Fletcher as a supporting creditor in Federal Court proceedings WAD 299 of 2020 (**Bankruptcy Proceedings**), being bankruptcy proceedings commenced against Mr Brown. Attached hereto and marked "**NM-09**" is a copy of the notice of appearance filed on behalf of Mr Fletcher on 12 March 2021.
12. On 15 March 2021, Mills Oakley filed notices of appearance on behalf of the remaining plaintiffs as supporting creditors in the Bankruptcy Proceedings, being:
 - (a) Mr Campbell. Attached hereto and marked "**NM-10**" is a copy of the notice of appearance filed on behalf of Mr Campbell on 15 March 2021.
 - (b) Mr Taylor. Attached hereto and marked "**NM-11**" is a copy of the notice of appearance filed on behalf of Mr Taylor on 15 March 2021.
 - (c) 365 Plant Hire Pty Ltd. Attached hereto and marked "**NM-12**" is a copy of the notice of appearance filed on behalf of 365 Plant Hire Pty Ltd on 15 March 2021.
 - (d) Nameo Pty Ltd. Attached hereto and marked "**NM-13**" is a copy of the notice of appearance filed on behalf of Nameo Pty Ltd on 15 March 2021.
 - (e) Jaytona Pty Ltd. Attached hereto and marked "**NM-14**" is a copy of the notice of appearance filed on behalf of Jaytona Pty Ltd on 15 March 2021.




13. Attached hereto and marked "**NM-15**" is a copy of the filed Amended Creditor's Petition in the Bankruptcy Proceedings together with a screenshot of the Commonwealth Court Portal in respect of the Bankruptcy Proceedings.

Communications with AUSTRAC

14. I am informed by Mr Edward Greaves of counsel, and verily believe, that prior to my firm being engaged by the first and second plaintiffs, he meet with the first and second plaintiffs and was informed by them of an email dated 22 January 2021 purportedly sent from 'Mitchell R' of AUSTRAC to Mr Brown (**22 January 2021 Email**), which Mr Brown then sent on to the first and second plaintiffs. Attached hereto and marked "**NM-16**" is a copy of the 22 January 2021 Email. Each of the first and second plaintiffs has informed me of the same information.
15. I am informed by Mr Greaves, and verily believe, that on 28 January 2021 he called the number on AUSTRAC's website for their call centre and spoke to Michelle Lane at AUSTRAC with respect to the 22 January 2021 Email and that Ms Lane advised:
- (a) that the reference number belongs to her, not to Mitchell R;
 - (b) Mitchell R is a real person in the AUSTRAC contact centre;
 - (c) the ref # 445334 in the 22 January 2021 Email is genuine, but it does not relate to an email. It relates to a phone interaction that Ms Lane had recently. She said she recalled the phone call that the number related to;
 - (d) AUSTRAC use full names in emails not just the first letter of a surname;
 - (e) AUSTRAC have nothing to do with 'holds' on bank accounts; and
 - (f) she would like the 22 January 2021 Email forwarded to her.
16. I am informed by Mr Greaves, and verily believe, that he had an email exchange with Ms Lane on 28 and 29 January 2021. Attached hereto and marked "**NM-17**" is what Mr Greaves tell me is, and which I verily believe to be, a true copy of that email exchange.
17. On 12 March 2021, I sent an email to AUSTRAC:
- (a) attaching a copy of the 22 January 2021 Email; and
 - (b) requesting confirmation of the authenticity of the 22 January 2021 Email.
18. Attached hereto and marked "**NM-18**" is a copy of my email to AUSTRAC on 12 March 2021.



19. On 12 March 2021, I received an automated reply email from AUSTRAC in response to my email of the same day. Attached hereto and marked "NM-19" is a copy of the automated reply email I received from AUSTRAC on 12 March 2021.
20. I have attempted to call AUSTRAC to follow up on my email to AUSTRAC sent on 12 March 2021 however as at the date of affirming this affidavit I have not received a response from AUSTRAC.

AFFIRMED by **NIRUPA MANOHARAN**
 at Perth
 in the State of Western Australia
 on the 16 day of March 2021

)
)
)
)


 Signature of deponent

Before me,
 a practitioner who has held a practice
 certificate for at least 2 years and who holds
 a current practice certificate

)
)
)
)


 Signature of witness

MICHAEL PETER MCCARREY
 Solicitor
 Mills Oakley
 24/240 St Georges Terrace
 Perth WA 6000

Schedule

Federal Court of Australia

No. of 2021

District Registry: Western Australia

Division: Commercial and Corporations

Adam Nicholas Ian Fletcher

First Plaintiff

and

Stuart Campbell

Second Plaintiff

and

Jaysen Taylor

Third Plaintiff

and

365 Plant Hire Pty Ltd (ACN 621 477 978)

Fourth Plaintiff

and

Jaytona Pty Ltd (ACN 137 723 418)

Fifth Plaintiff

and

Nameo Pty Ltd (ACN 155 839 197)

Sixth Plaintiff

AND

Christopher Michael Brown

First Defendant

and

CMB Investments 1993 Pty Ltd (ACN 618 397 925)

Second Defendant

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

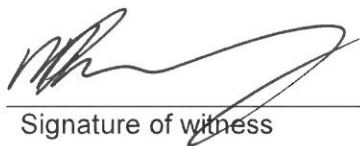
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-01**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 2:54 PM
To: [REDACTED]
Cc: Justin Daly; Stephanie Gan
Subject: 8093267 - Adam Fletcher Final Demand to Christopher Brown
Attachments: Demand - Adam Fletcher 15.03.2021.pdf; AoD Fletcher.pdf; Attachment A.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

We act for Adam Fletcher in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 [REDACTED] Direct

+61 [REDACTED] Fax

Level 24, 240 St Georges Terrace, Perth WA 6000

Mills Oakley
ABN: 51 493 069 734

15 March 2021

Our ref: NXMM:8092655

All correspondence to:
PO Box 5784, St Georges Tce
PERTH WA 6831

Christopher Michael Brown

Contact
Nirupa Manoharan +61 8 [REDACTED]
Email: [REDACTED]

Partner
Nirupa Manoharan +61 8 [REDACTED]
Email: nmanoharan@millsoakley.com.au

By email only: c/- [REDACTED]

FINAL DEMAND

Dear Mr Brown

Lender: Adam Nicholas Ian Fletcher
Borrower: Christopher Michael Brown ("You")
Loan Agreements: Binding Term Sheet dated on 15 May 2020
Investment Agreement entered on or about 24 September 2020

We act for the above-named Lender, Adam Nicholas Ian Fletcher (**Mr Fletcher**).

You are indebted to Mr Fletcher in respect of the Outstanding Amount (defined below) pursuant to the "Binding Term Sheet" dated on 15 May 2020 (**Binding Term Sheet**) and the further investment agreement entered into on or around 24 September 2020 (**Investment Agreement**) (together the **Loan Agreements**).

Demand for Non-Payment

You are in default under the terms of the Loan Agreements in that You have failed to remit payment in full of the amounts owing pursuant to the Loan Agreements, within the timeframe stipulated by the Loan Agreements, or at all.

As at 11 March 2021, the total amount owing by You to Mr Fletcher pursuant to the Loan Agreements is \$13,561,738.16 (**Outstanding Amount**).

Details of the Outstanding Amount are set out in the table below:



Accordingly, Mr Fletcher demands that you remit payment of the Outstanding Amount (\$13,561,738.16) to Mr Fletcher's nominated account by 5pm WST Monday, 15 March 2021.

NOTICE

The information contained in this email/facsimile is confidential and intended only for the use of the addressee and it may also be privileged. If you are not the intended recipient, any use, disclosure or copying is prohibited. If you have received this email/facsimile in error, please telephone the sender and return it by mail to the sender.

The details for payment of the Outstanding Amount are as follows:

Name: Mills Oakley Law Practice Trust Account

Account No: [REDACTED]

BSB No: [REDACTED]

Ref: [REDACTED]

We **enclose**, for your reference an acknowledgment of debt confirming the quantum of the Outstanding Amount as between You and Mr Fletcher as at 11 March 2021.

Interest, fees, charges and costs (including Mr Fletcher's legal costs and expenses) will continue to accrue on the Outstanding Amount until payment is received in full.

We note that Mr Fletcher has provided multiple opportunities to You to make payment of the Outstanding Amount, in line with item 14 of the Binding Term Sheet.

As such, in the event that You fail to comply with this Final Demand, Mr Fletcher reserves his right to take whatever action is appropriate, without notice to You, to protect and recover the Outstanding Amount owed to him in addition to the interest on the Outstanding Amount and costs (including commencement of urgent injunctive relief and/or commencement of debt recovery proceedings in Court, as appropriate); Mr Fletcher will seek to recover from You the costs of such further action, pursuant to the terms of the Loan Agreements.

If you would like to discuss the content of this letter, please contact Nirupa Manoharan on (08) [REDACTED] or [REDACTED] as soon as possible and in any event prior to 5:00pm on 15 March 2021.

Yours sincerely



NIRUPA MANOHARAN
Partner

Encl.

NOTICE

The information contained in this email/facsimile is confidential and intended only for the use of the addressee and it may also be privileged. If you are not the intended recipient, any use, disclosure or copying is prohibited. If you have received this email/facsimile in error, please telephone the sender and return it by mail to the sender.

ACKNOWLEDGEMENT OF DEBT

To: Adam Nicholas Ian Fletcher (**Lender**) of [REDACTED]
[REDACTED]

From: Christopher Michael Brown (**Borrower**) of [REDACTED]
[REDACTED]

1. The Borrower and the Lender are parties to a loan agreement titled "Binding Term Sheet" signed by the Lender on 15 May 2020 and the Borrower on 15 May 2020 (**Loan Agreement**) as attached and marked "Annexure A". Words that are capitalised in this acknowledgment of debt adopt the meanings provided in the Loan Agreement unless otherwise defined herein.
2. The Borrower and the Lender are further parties to an agreement entered into between each of them on or around 24 September 2020 by which the Lender advanced a principal sum of [REDACTED] to the Borrower (**Investment Agreement**). It was a material term of the Investment Agreement that, the Lender would be entitled to return of the balance of the principal sum together with 75% of any profits obtained from the principal sum under the Investment Agreement.
3. The Borrower hereby acknowledges in favour of the Lender that:
 - a. he is presently indebted to the Lender under the Loan Agreement for the amount of [REDACTED] which is comprised of:
 - i. the Loan Amount of [REDACTED]
 - ii. the Consideration Amount of [REDACTED]; and
 - iii. the Default Consideration Amount of [REDACTED]
 - b. the Default Consideration Amount will continue to accrue in accordance with the terms of the Loan Agreement until the total amount of the debt under the Loan Agreement is repaid; and
 - c. he is further indebted to the Lender pursuant to the Investment Agreement for the amount of \$13,286,738.16, which is comprised of:
 - i. the principal sum of [REDACTED] advanced to the Borrower; and
 - ii. 75% of the profits on the principal sum, being \$12,916,738.16
4. The Borrower warrants that he presently has a sufficient balance to cover the payments due and owing to the Lender under both the Loan Agreement and the Investment Agreement and that such amounts are due to the Lender.
5. The Lender reserves his rights pursuant to the Loan Agreement and the Investment Agreement.
6. The Borrower hereby acknowledges that he has read and understood this acknowledgement and obtained independent legal advice and accepts the terms herein.

DATED: 11 March 2021

SIGNED BY **CHRISTOPHER MICHAEL BROWN**

In the presence of:

Witness

Amy ZHEN M. LEE

Name

Address

SIGNED BY **ADAM NICHOLAS IAN FLETCHER**

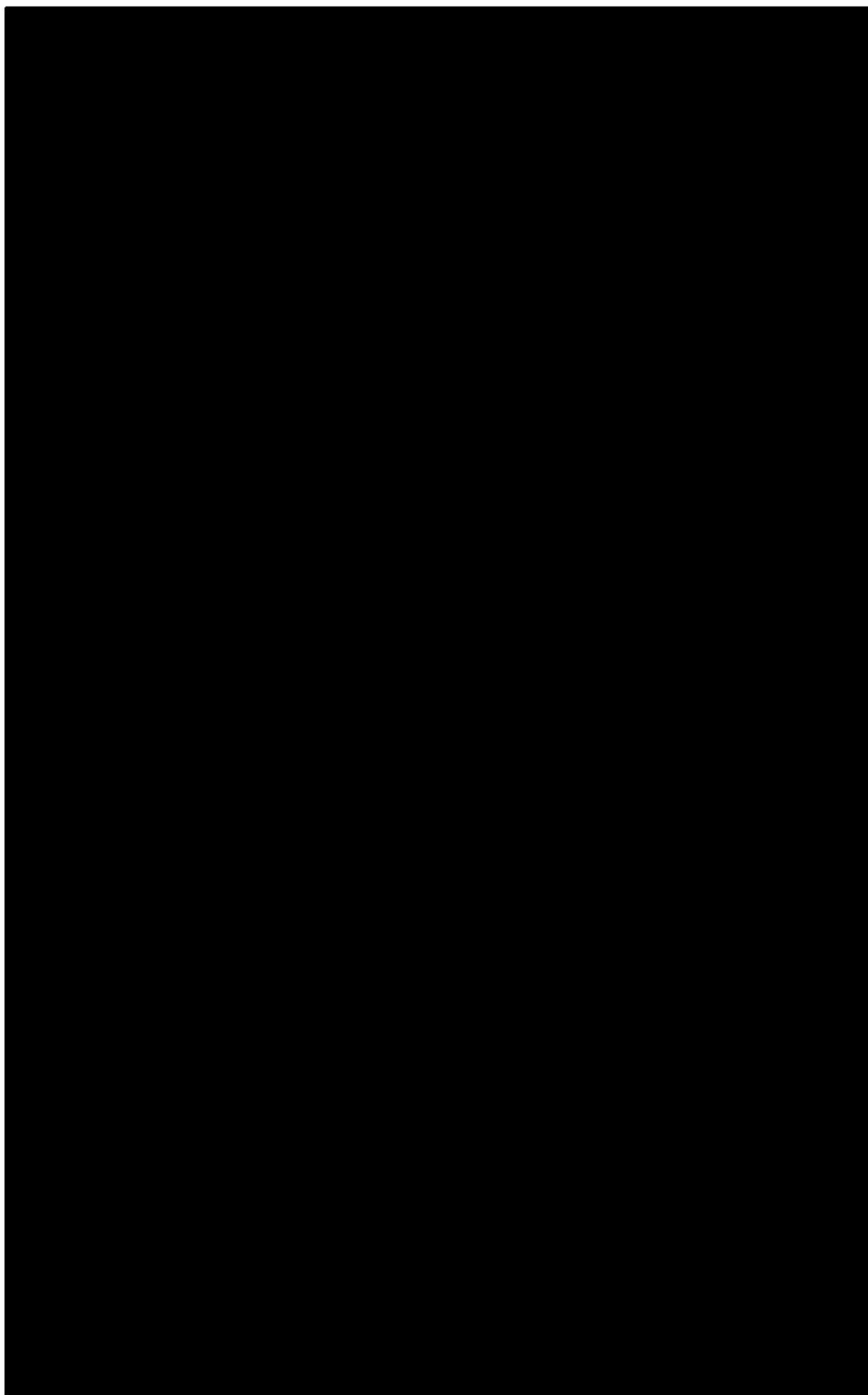
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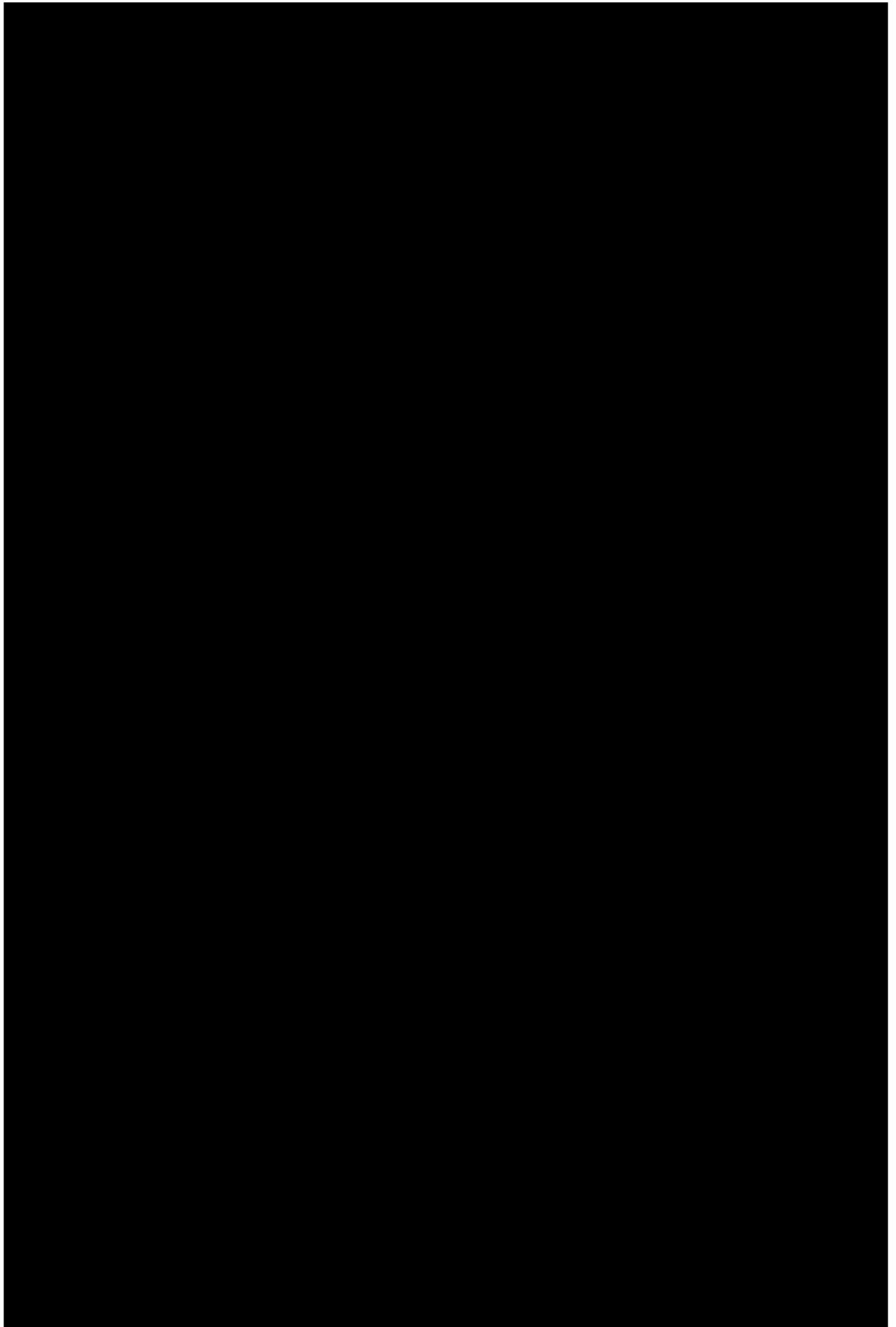
Witness

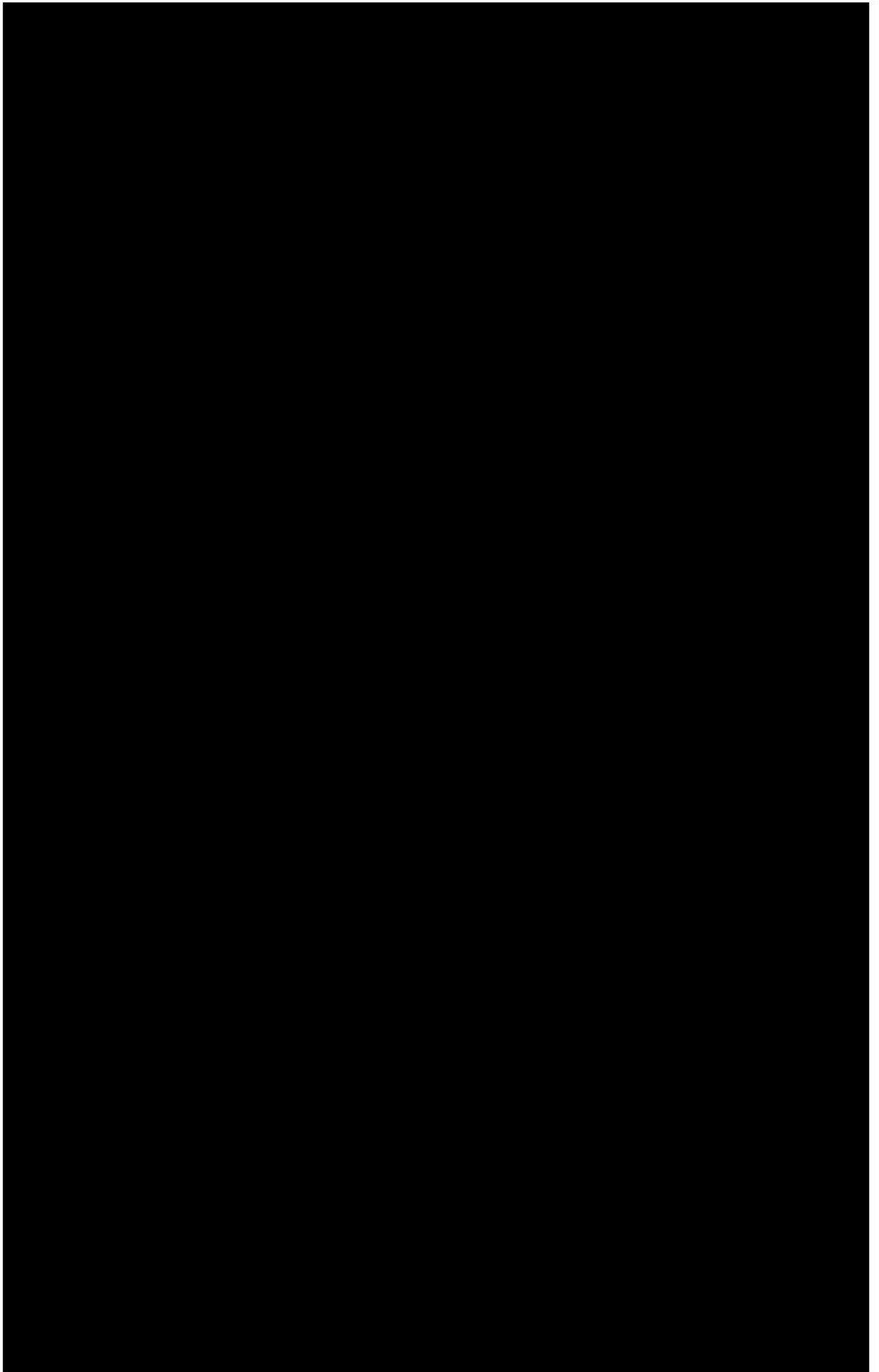
Amy ZHEN M. LEE

Name

Address







Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 3:22 PM
To: [REDACTED]
Cc: Justin Daly; Stephanie Gan
Subject: FW: 8093267 - Adam Fletcher Final Demand to Christopher Brown
Attachments: Updated Attachment A.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

I refer to my earlier email copied below.

I confirm that email attached an incorrect version of "Attachment A". Please disregard that document. Please see the correct document, marked "Updated Attachment A" attached to this email.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 8 [REDACTED] Direct
 +61 8 6167 9898 Fax

Level 24, 240 St Georges Terrace, Perth WA 6000

From: Nirupa Manoharan <nmanoharan@millsosakley.com.au>
Sent: Monday, 15 March 2021 2:54 PM
To: [REDACTED]
Cc: Justin Daly <[REDACTED]>; Stephanie Gan <[REDACTED]>
Subject: 8093267 - Adam Fletcher Final Demand to Christopher Brown

Dear Mr Hunt

We act for Adam Fletcher in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

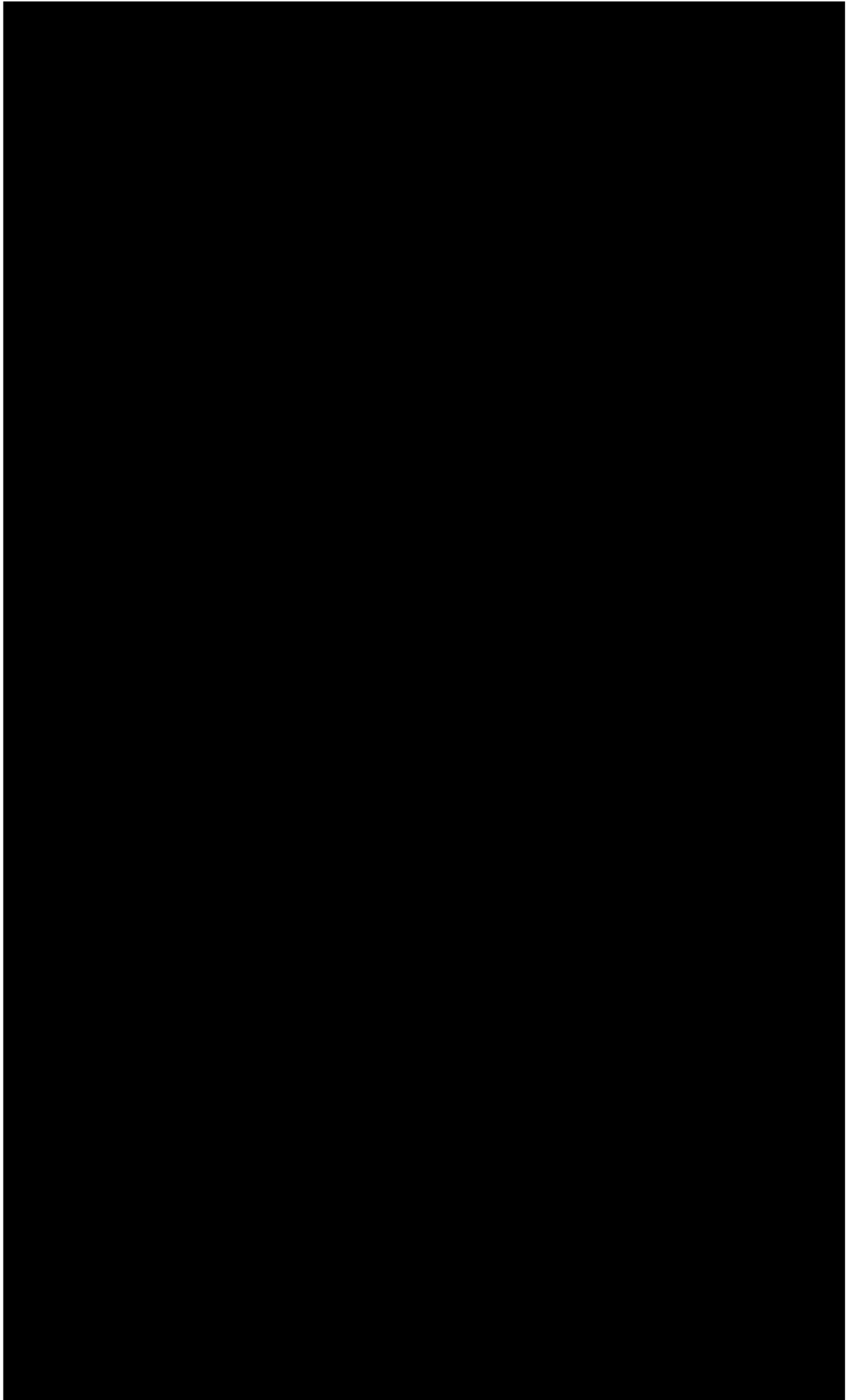
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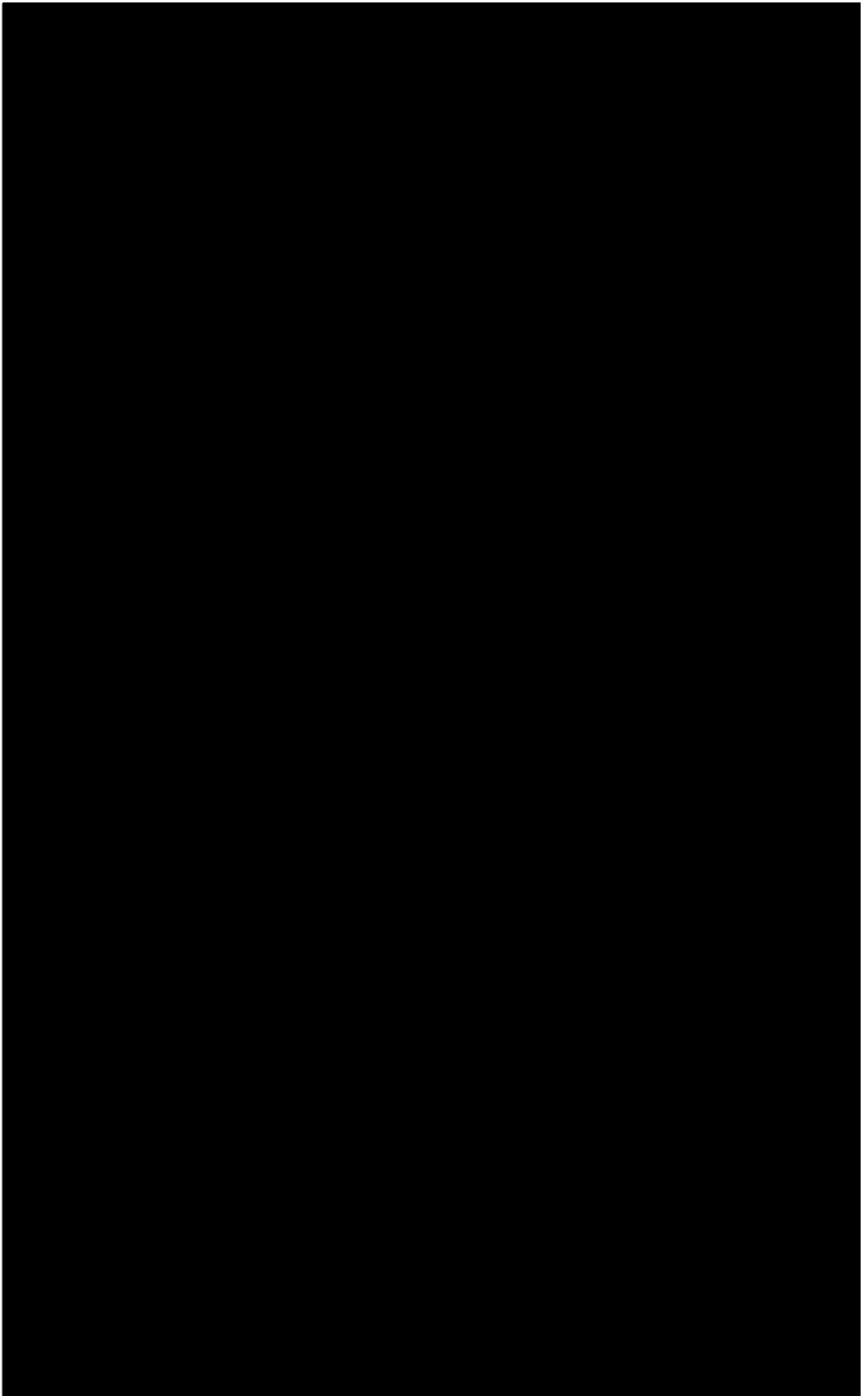
MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

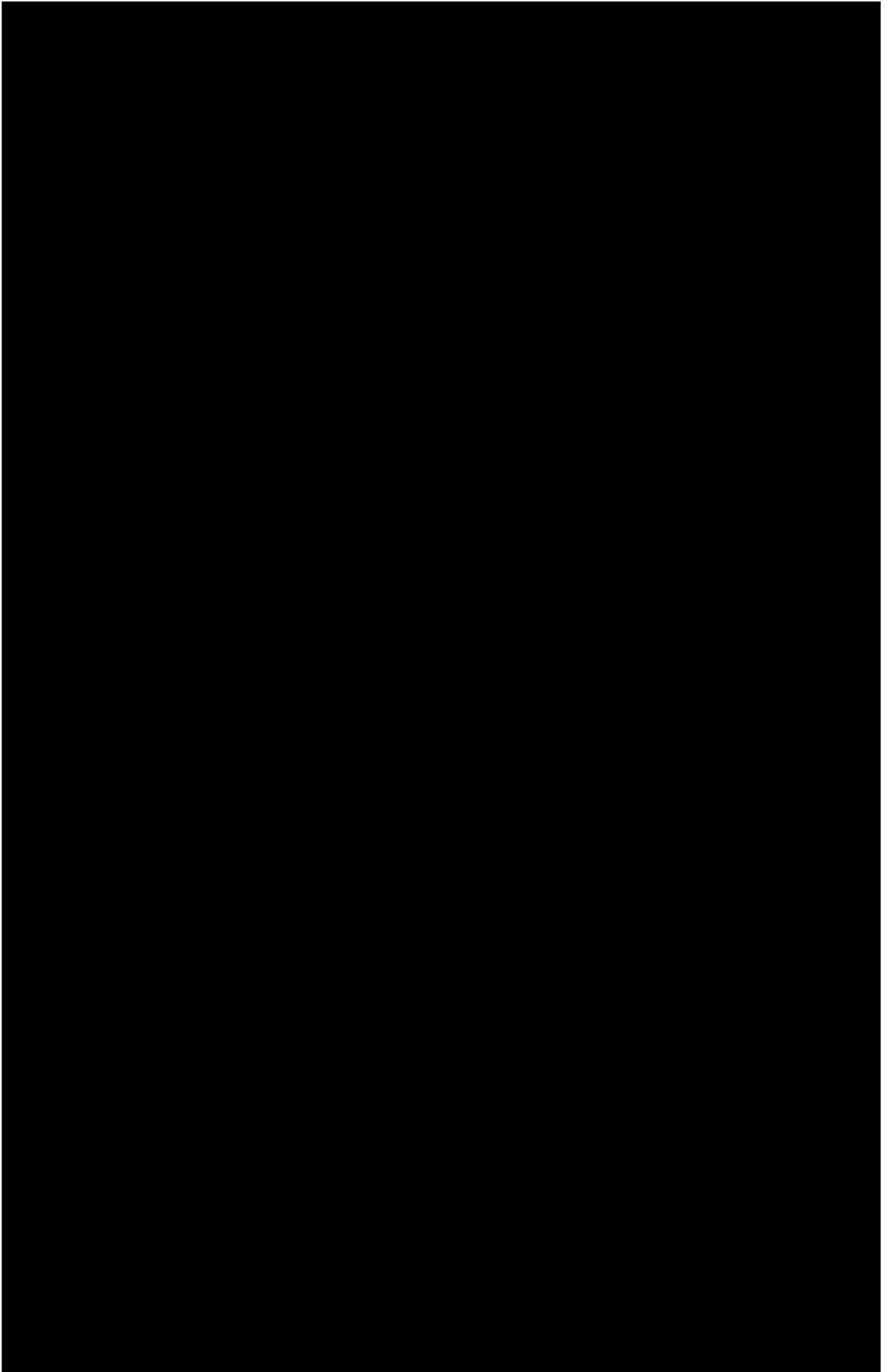
+61 8 [REDACTED] Direct

+61 8 6167 9898 Fax

[REDACTED]
Level 24, 240 St Georges Terrace, Perth WA 6000







No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-02**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.


Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 2:52 PM
To: [REDACTED]
Cc: Stephanie Gan; Justin Daly
Subject: 8093267 - Stuart Campbell Final Demand to Christopher Brown
Attachments: Demand - Stuart Campbell 15.03.2021.pdf; AoD Campbell.pdf; Attachment A.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

We act for Stuart Campbell in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 8 6167 9898 Direct

+61 8 6167 9898 Fax

Level 24, 240 St Georges Terrace, Perth WA 6000

Mills Oakley
ABN: 51 493 069 734

15 March 2021

Our ref: NXMM:8092655

All correspondence to:
PO Box 5784, St Georges Tce
PERTH WA 6831

Christopher Michael Brown



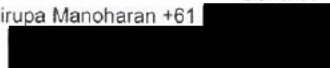
By email only: c/-



Contact

Nirupa Manoharan +61

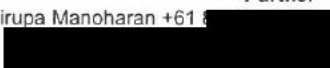
Email:



Partner

Nirupa Manoharan +61

Email:



FINAL DEMAND

Dear Mr Brown

Lender: Stuart Donald Campbell
Borrower: Christopher Michael Brown ("You")
Loan Agreements: Binding Term Sheet dated by the Lender on 20 May 2020 and the Borrower on 22 May 2020
Investment Agreement entered on or about 24 September 2020

We act for the above-named Lender, Stuart Donald Campbell (**Mr Campbell**).

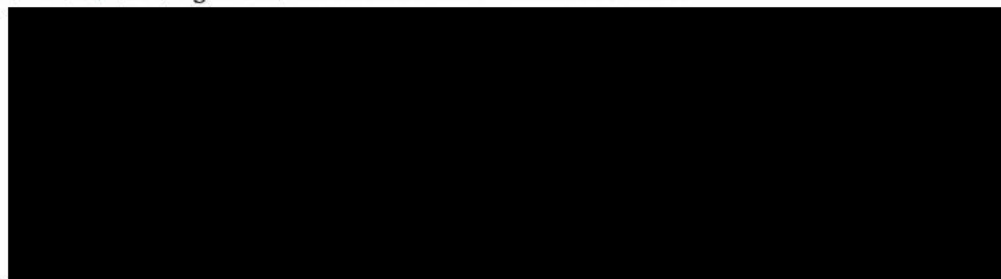
You are indebted to Mr Campbell in respect of the Outstanding Amount (defined below) pursuant to the "Binding Term Sheet" dated by Mr Campbell on 20 May 2020 and You on 22 May 2020 (**Binding Term Sheet**) and the further investment agreement entered into on or around 24 September 2020 (**Investment Agreement**) (together the **Loan Agreements**).

Demand for Non-Payment

You are in default under the terms of the Loan Agreements in that You have failed to remit payment in full of the amounts owing pursuant to the Loan Agreements, within the timeframe stipulated by the Loan Agreements, or at all.

As at 11 March 2021, the total amount owing by You to Mr Campbell pursuant to the Loan Agreements is \$10,407,032.66 (**Outstanding Amount**).

Details of the Outstanding Amount are set out in the table below:



Accordingly, Mr Campbell demands that you **remit payment of the Outstanding Amount (\$10,407,032.66)** to Mr Campbell's nominated account **by 5pm WST Monday, 15 March**

NOTICE

The information contained in this email/facsimile is confidential and intended only for the use of the addressee and it may also be privileged. If you are not the intended recipient, any use, disclosure or copying is prohibited. If you have received this email/facsimile in error, please telephone the sender and return it by mail to the sender.

2021.

The details for payment of the Outstanding Amount are as follows:

Name: Mills Oakley Law Practice Trust Account

Account No: [REDACTED]

BSB No: [REDACTED]

Ref: [REDACTED]

We **enclose**, for your reference an acknowledgment of debt confirming the quantum of the Outstanding Amount as between You and Mr Campbell as at 11 March 2021.

Interest, fees, charges and costs (including Mr Campbell's legal costs and expenses) will continue to accrue on the Outstanding Amount until payment is received in full.

We note that Mr Campbell has provided multiple opportunities to You to make payment of the Outstanding Amount, in line with item 14 of the Binding Term Sheet.

As such, in the event that You fail to comply with this Final Demand, Mr Campbell reserves his right to take whatever action is appropriate, without notice to You, to protect and recover the Outstanding Amount owed to him in addition to the interest on the Outstanding Amount and costs (including commencement of urgent injunctive relief and/or commencement of debt recovery proceedings in Court, as appropriate); Mr Campbell will seek to recover from You the costs of such further action, pursuant to the terms of the Loan Agreements.

If you would like to discuss the content of this letter, please contact Nirupa Manoharan on (08) [REDACTED] or [REDACTED] as soon as possible and in any event prior to 5:00pm on 15 March 2021.

Yours sincerely



NIRUPA MANOHARAN
Partner

Encl.

NOTICE

The information contained in this email/facsimile is confidential and intended only for the use of the addressee and it may also be privileged. If you are not the intended recipient, any use, disclosure or copying is prohibited. If you have received this email/facsimile in error, please telephone the sender and return it by mail to the sender.

ACKNOWLEDGEMENT OF DEBT

To: Stuart Donald Campbell (**Lender**) of [REDACTED],
[REDACTED]

From: Christopher Michael Brown (**Borrower**) of [REDACTED],
[REDACTED]

1. The Borrower and the Lender are parties to a loan agreement titled "Binding Term Sheet" signed by the Lender on 20 May 2020 and the Borrower on 22 May 2020 (**Loan Agreement**) as attached and marked "Annexure A". Words that are capitalised in this acknowledgment of debt adopt the meanings provided in the Loan Agreement unless otherwise defined herein.
2. The Borrower and the Lender are further parties to an agreement entered into between each of them on or around 24 September 2020 by which the Lender advanced a principal sum of \$ [REDACTED] to the Borrower (**Investment Agreement**). It was a material term of the Investment Agreement that the Lender would be entitled to return of the balance of the principal sum together with 75% of any profits obtained from the principal sum under the Investment Agreement.
3. The Borrower hereby acknowledges in favour of the Lender that:
 - a. he is presently indebted to the Lender under the Loan Agreement for the amount of \$ [REDACTED], which is comprised of:
 - i. the Loan Amount of \$ [REDACTED]
 - ii. the Consideration Amount of \$ [REDACTED]; and
 - iii. the Default Consideration Amount of \$ [REDACTED]
 - b. the Default Consideration Amount will continue to accrue until the total amount of the debt under the Loan Agreement is repaid; and
 - c. he is further indebted to the Lender pursuant to the Investment Agreement for the amount of \$10,123,532.66 which is comprised of:
 - i. the principal sum of \$ [REDACTED] advanced to the Borrower; and
 - ii. 75% of the profits on the principal sum, being \$9,973,532.66
4. The Borrower warrants that he presently has a sufficient balance to cover the payments due and owing to the Lender under both the Loan Agreement and the Investment Agreement and that such amounts are due to the Lender.
5. The Lender reserves his rights pursuant to the Loan Agreement and the Investment Agreement.
6. The Borrower hereby acknowledges that he has read and understood this acknowledgment and obtained independent legal advice and accepts the terms herein.

DATED: 11 March 2021

SIGNED BY CHRISTOPHER MICHAEL BROWN

In the presence of:



Witness



AMY ZHEN M. LEE

Name



Address

SIGNED BY STUART DONALD CAMPBELL

In the presence of:



Witness

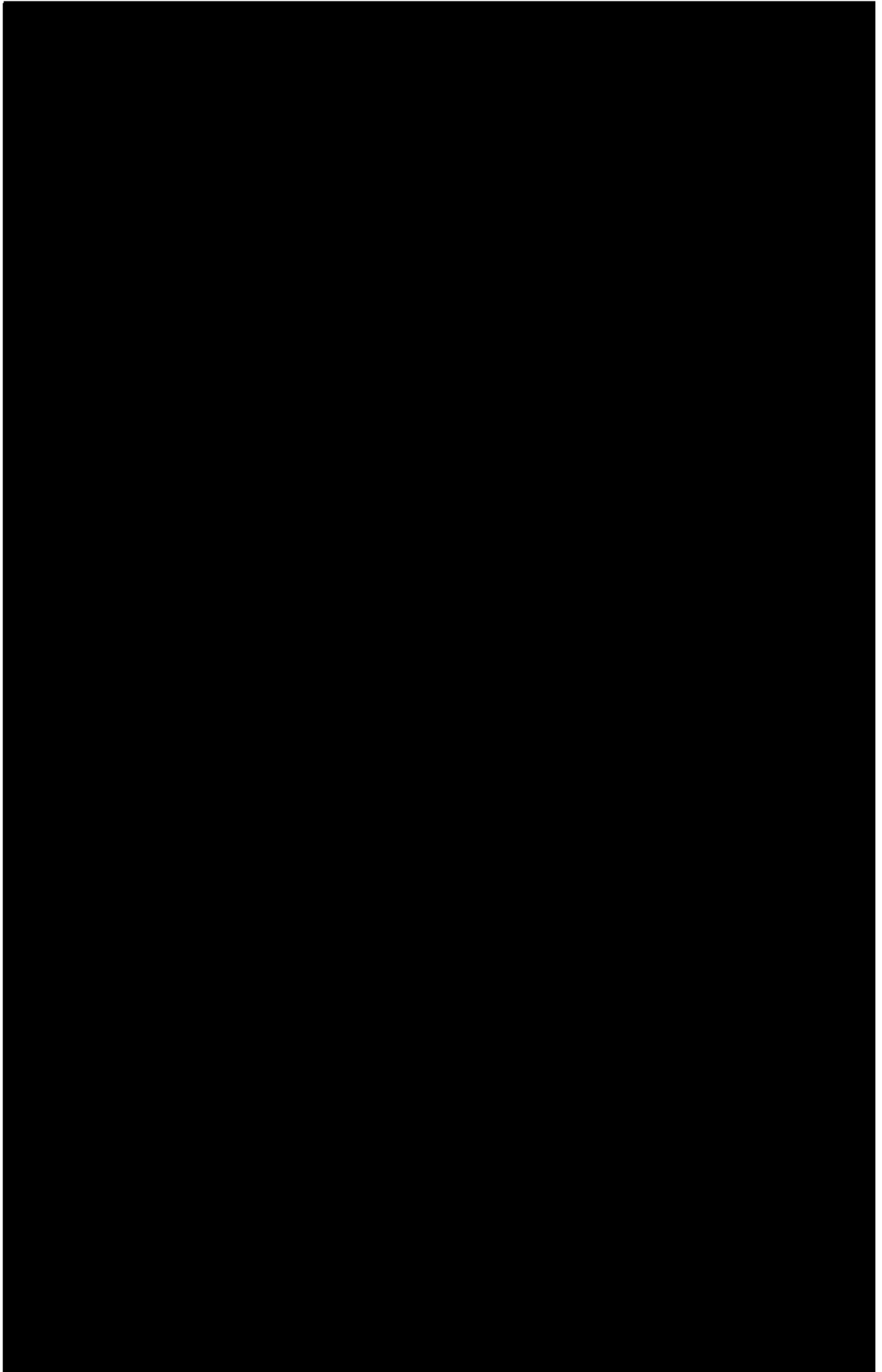
AMY ZHEN M. LEE

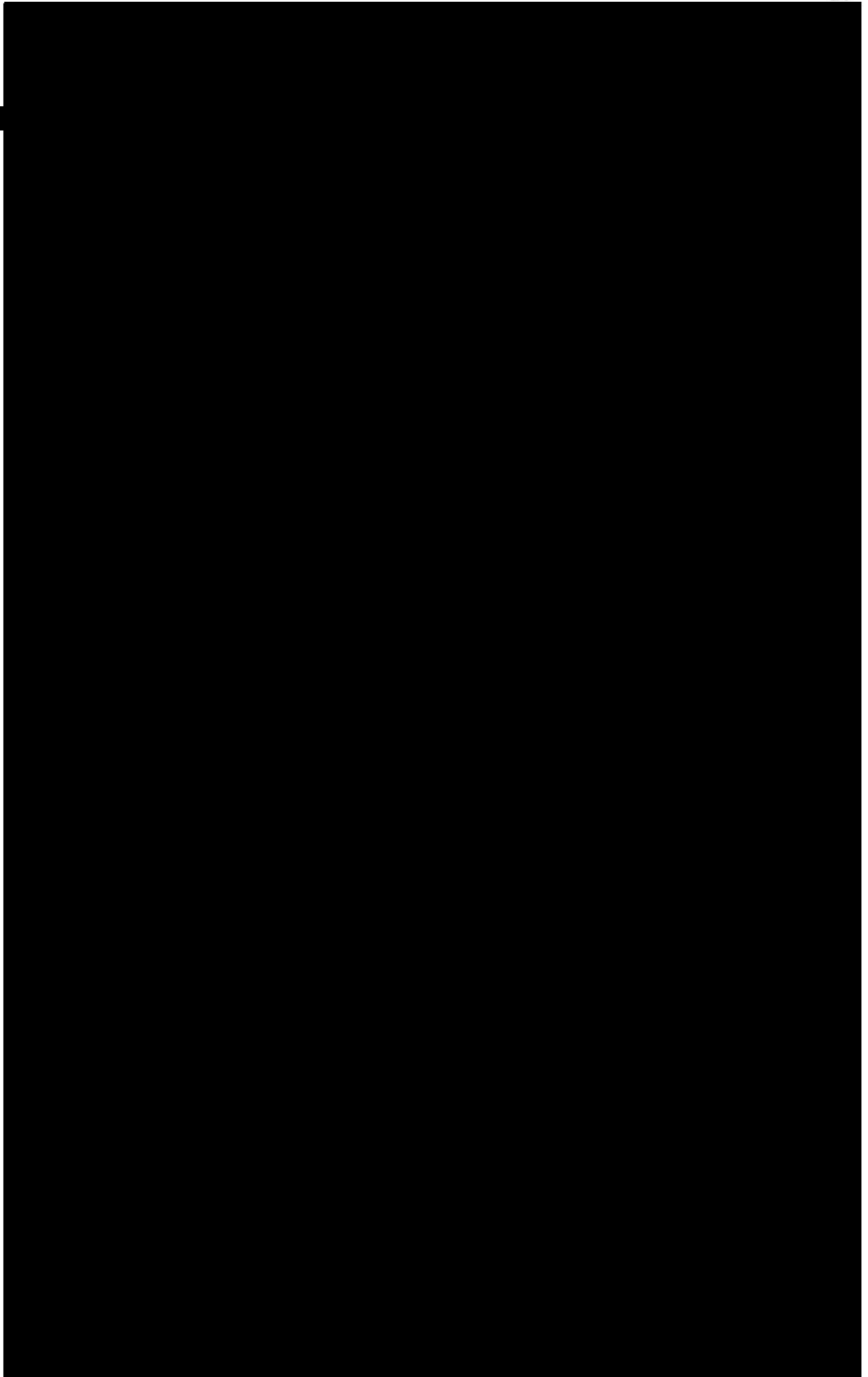


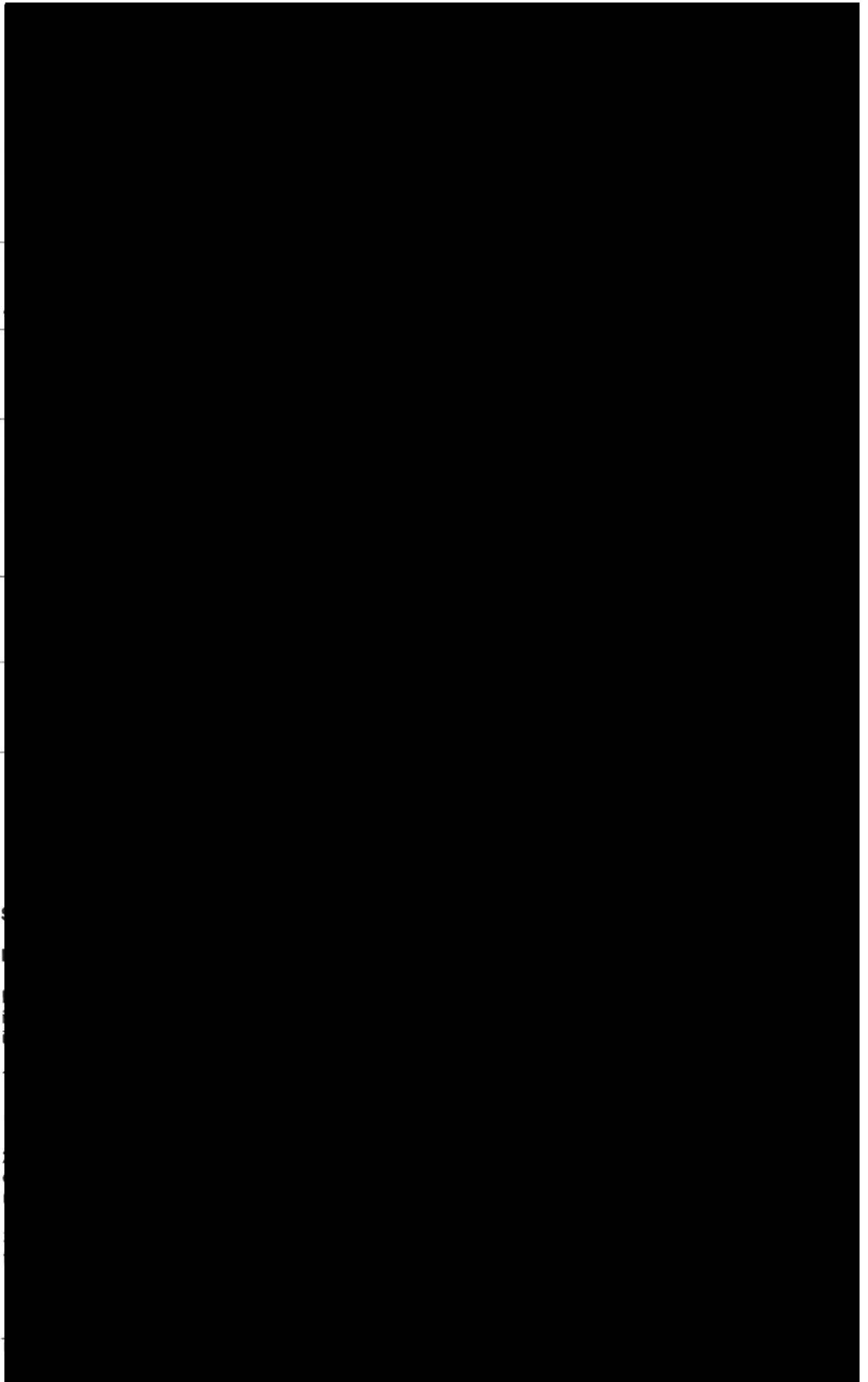
Name

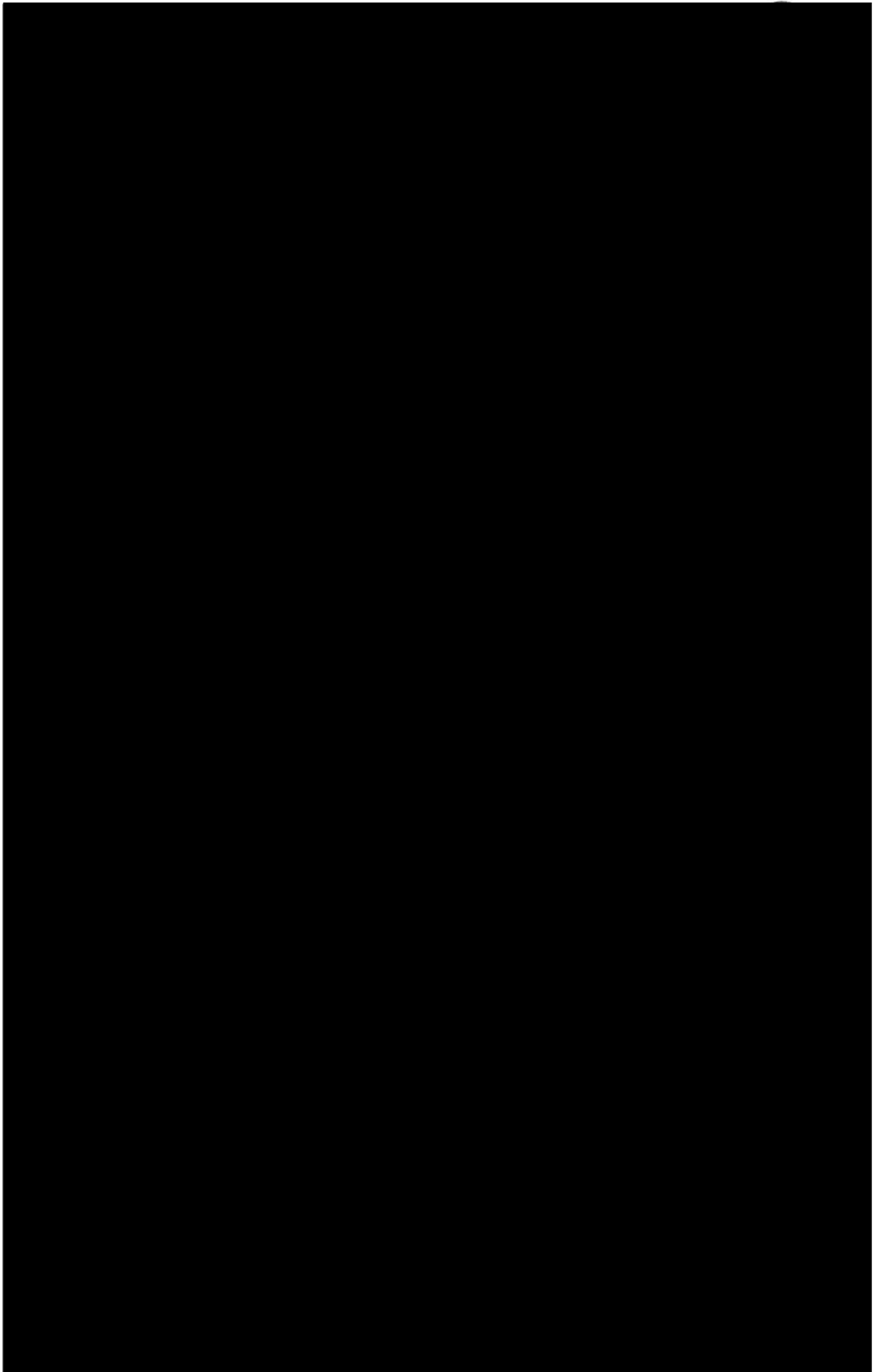


Address









No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

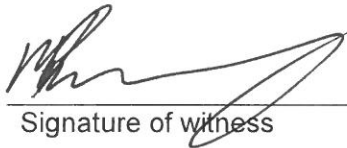
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-03**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 2:56 PM
To: [REDACTED]
Cc: Justin Daly; Stephanie Gan
Subject: 8093350 - Jaysen Taylor Final Demand to Christopher Brown
Attachments: Demand - Jaysen 15.03.2021.pdf; AOD - Jaysen Taylor.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

We act for Jaysen Taylor in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 8 [REDACTED] Direct

+61 8 6167 9898 Fax

Level 24, 240 St Georges Terrace, Perth WA 6000

Mills Oakley
ABN: 51 493 069 734

15 March 2021

Our ref: NXMM:8092655

All correspondence to:
PO Box 5784, St Georges Tce
PERTH WA 6831

Christopher Michael Brown

[REDACTED]

By email only: c/-

[REDACTED]

Contact

Nirupa Manoharan +61 [REDACTED]
Email: [REDACTED]

Partner

Nirupa Manoharan +61 [REDACTED]
Email: [REDACTED]

FINAL DEMAND

Dear Mr Brown

Lender: Jaysen Taylor
Borrower: Christopher Michael Brown ("You")
Loan Agreements: Loan Agreement and Deed of Guarantee and Indemnity dated 1 September 2018

We act for the above-named Lender, Jaysen Taylor (**Mr Taylor**).

You are indebted to Mr Taylor in respect of the Outstanding Amount (defined below) pursuant to the Loan Agreement and Deed of Guarantee and Indemnity dated 1 September 2018 (**Loan Agreement**).

Demand for Non-Payment

You are in default under the terms of the Loan Agreement in that You have failed to remit payment in full of the amounts owing pursuant to the Loan Agreement, within the timeframe stipulated by the Loan Agreement, or at all.

As at 3 March 2021, the total amount owing by You to Mr Taylor pursuant to the Loan Agreement is \$65,502,317.50 (**Outstanding Amount**).

Accordingly, Mr Taylor demands that you **remit payment of the Outstanding Amount (\$65,502,317.50)** to Mr Taylor's nominated account **by 5pm WST Monday, 15 March 2021**.

The details for payment of the Outstanding Amount are as follows:

Name: Mills Oakley Law Practice Trust Account

Account No: [REDACTED]

BSB No: [REDACTED]

Ref: [REDACTED]

We **enclose**, for your reference an acknowledgment of debt confirming the quantum of the Outstanding Amount as between You and Mr Taylor as at 3 March 2021.

Interest, fees, charges and costs (including Mr Taylor's legal costs and expenses) will continue to accrue on the Outstanding Amount until payment is received in full.

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In the event that You fail to comply with this Final Demand, Mr Taylor reserves his right to take whatever action is appropriate, without notice to You, to protect and recover the Outstanding Amount owed to him in addition to the interest on the Outstanding Amount and costs (including commencement of urgent injunctive relief and/or commencement of debt recovery proceedings in Court, as appropriate); Mr Taylor will seek to recover from You the costs of such further action, pursuant to the terms of the Loan Agreement.

If you would like to discuss the content of this letter, please contact Nirupa Manoharan on (08) [REDACTED] or [REDACTED] as soon as possible and in any event prior to 5:00pm on 15 March 2021.

Yours sincerely



NIRUPA MANOHARAN
Partner

Encl.

NOTICE

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ACKNOWLEDGEMENT OF DEBT

To: Jaysen Taylor (Financier)
from: Christopher Michael Brown (Borrower)

1. The Borrower and the Financier are parties to the Loan Deed dated 01/09/2018 as amended from time to time, including further amounts advanced to the Borrower from time to time (Loan Deed).
2. The Borrower acknowledges in favour of the Financier that:
 - (a) he is presently indebted to the Financier for amounts advanced, and has outstanding obligations to the Financier, under the Loan Deed;
 - (b) warrants that he presently has a sufficient balance to cover the payments due and owing to the Financier; and
 - (c) as at 2nd March 2021, the balance owing to the Financier under and on the terms of the Loan Deed was AUD\$65,502,317.50

Dated this 3rd day of March 2021

Signed by Christopher Michael Brown in the presence of

Signature of Witness

Christopher Michael Brown

JAYSEN TAYLOR

Print full name of Witness

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

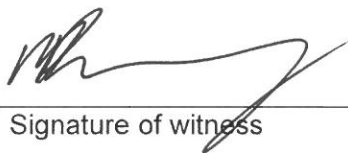
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-04**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 2:59 PM
To: [REDACTED]
Cc: Justin Daly; Stephanie Gan
Subject: 8093350 - 365 Plant Hire Pty Ltd Final Demand to Christopher Brown
Attachments: Demand - 365 Plant Hire 15.03.2021.pdf; AOD - 365 Plant Hire.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

We act for 365 Plant Hire Pty Ltd in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 8 [REDACTED] Direct

+61 8 6167 9898 Fax

[REDACTED]
Level 24, 240 St Georges Terrace, Perth WA 6000



Mills Oakley
ABN: 51 493 069 734

15 March 2021

Our ref: NXMM:8092655

All correspondence to:
PO Box 5784, St Georges Tce
PERTH WA 6831

Christopher Michael Brown



By email only: c/-



Contact
Nirupa Manoharan +61
Email: [Redacted]

Partner
Nirupa Manoharan +61 8
Email: [Redacted]

FINAL DEMAND

Dear Mr Brown

Lender: 365 Plant Hire Pty Ltd (ACN 621 477 978)
Borrower: Christopher Michael Brown ("You")

We act for the above-named Lender, 365 Plant Hire Pty Ltd (ACN 621 477 978) (**365 Plant Hire**).

You are indebted to 365 Plant Hire in respect of the Outstanding Amount (defined below) pursuant to a loan agreement and acknowledgment of debt dated 3 March 2021 (**Loan Agreement**).

Demand for Non-Payment

You are in default under the terms of the Loan Agreement in that You have failed to remit payment in full of the amounts owing pursuant to the Loan Agreement, within the timeframe stipulated, or at all.

As at 3 March 2021, the total amount owing by You to 365 Plant Hire pursuant to the Loan Agreement is \$505,000.00 (**Outstanding Amount**).

Accordingly, 365 Plant Hire demands that you **remit payment of the Outstanding Amount (\$505,000.00)** to 365 Plant Hire's nominated account **by 5pm WST Monday, 15 March 2021**.

The details for payment of the Outstanding Amount are as follows:

Name: Mills Oakley Law Practice Trust Account
Account No: [Redacted]
BSB No: [Redacted]
Ref: [Redacted]

We **enclose**, for your reference an acknowledgment of debt confirming the quantum of the Outstanding Amount as between You and 365 Plant Hire as at 3 March 2021.

Interest, fees, charges and costs (including 365 Plant Hire's legal costs and expenses) will continue to accrue on the Outstanding Amount until payment is received in full.

In the event that You fail to comply with this Final Demand, 365 Plant Hire reserves its right to take whatever action is appropriate, without notice to You, to protect and recover the Outstanding Amount owed to 365 Plant Hire in addition to the interest on the Outstanding

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Amount and costs (including commencement of urgent injunctive relief and/or commencement of debt recovery proceedings in Court, as appropriate); 365 Plant Hire will seek to recover from You the costs of such further action.

If you would like to discuss the content of this letter, please contact Nirupa Manoharan on (08) [REDACTED] or [REDACTED] as soon as possible and in any event prior to 5:00pm on 15 March 2021.

Yours sincerely

NIRUPA MANOHARAN
Partner

Encl.

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ACKNOWLEDGEMENT OF DEBT

To: 365 PLANT HIRE PTY LTD (Financier)
 from: Christopher Michael Brown (Borrower)

1. The Borrower and the Financier are parties to the Loan Agreement as amended from time to time, including further amounts advanced to the Borrower from time to time (Loan Agreement).
2. The Borrower acknowledges in favour of the Financier that:
 - (a) he is presently indebted to the Financier for amounts advanced, and has outstanding obligations to the Financier, under the Loan Agreement;
 - (b) warrants that he presently has a sufficient balance to cover the payments due and owing to the Financier; and
 - (c) as at 2nd March 2021, the balance owing to the Financier under and on the terms of the Loan Deed was AUD\$505,000.00

Dated this 3rd day of March 2021

Signed by Christopher Michael Brown in the presence of

Signature of Witness

Christopher Michael Brown

JAYSEN TAYLOR

Print full name of Witness

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

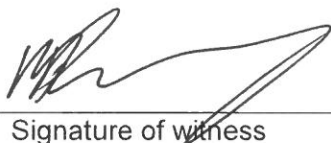
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-05**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.


Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 3:02 PM
To: [REDACTED]
Cc: Justin Daly; Stephanie Gan
Subject: 8093350 - Nameo Pty Ltd Final Demand to Christopher Brown
Attachments: Demand - Nameo 15.03.2021.pdf; AOD - Nameo.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

We act for Nameo Pty Ltd in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

[MILLS OAKLEY](#)

[MELBOURNE](#) | [SYDNEY](#) | [BRISBANE](#) | [CANBERRA](#) | [PERTH](#)

+61 8 [REDACTED] Direct
 +61 8 6167 9898 Fax

[REDACTED]
 Level 24, 240 St Georges Terrace, Perth WA 6000

Mills Oakley
ABN: 51 493 069 734

15 March 2021

Our ref: NXMM:8092655

All correspondence to:
PO Box 5784, St Georges Tce
PERTH WA 6831

Christopher Michael Brown
[REDACTED]

Contact
Nirupa Manoharan +61 [REDACTED]
Email: [REDACTED]

Partner
Nirupa Manoharan +61 [REDACTED]
Email: [REDACTED]

By email only: c/- [REDACTED]

FINAL DEMAND

Dear Mr Brown

Lender: Nameo Pty Ltd (ACN 155 839 197)
Borrower: Christopher Michael Brown ("You")

We act for the above-named Lender, Nameo Pty Ltd (ACN 155 839 197) (**Nameo**).

You are indebted to Nameo in respect of the Outstanding Amount (defined below) pursuant to a loan agreement and acknowledgment of debt dated 3 March 2021 (**Loan Agreement**).

Demand for Non-Payment

You are in default under the terms of the Loan Agreement in that You have failed to remit payment in full of the amounts owing pursuant to the Loan Agreement, within the timeframe stipulated, or at all.

As at 3 March 2021, the total amount owing by You to Nameo pursuant to the Loan Agreement is \$34,379,518.00 (**Outstanding Amount**).

Accordingly, Nameo demands that you **remit payment of the Outstanding Amount (\$34,379,518.00)** to Nameo's nominated account **by 5pm WST Monday, 15 March 2021**.

The details for payment of the Outstanding Amount are as follows:

Name: Mills Oakley Law Practice Trust Account

Account No: [REDACTED]

BSB No: [REDACTED]

Ref: [REDACTED]

We **enclose**, for your reference an acknowledgment of debt confirming the quantum of the Outstanding Amount as between You and Nameo as at 3 March 2021.

Interest, fees, charges and costs (including Nameo's legal costs and expenses) will continue to accrue on the Outstanding Amount until payment is received in full.

In the event that You fail to comply with this Final Demand, Nameo reserves its right to take whatever action is appropriate, without notice to You, to protect and recover the Outstanding Amount owed to Nameo in addition to the interest on the Outstanding Amount and costs (including commencement of urgent injunctive relief and/or commencement of debt recovery

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proceedings in Court, as appropriate); Nameo will seek to recover from You the costs of such further action.

If you would like to discuss the content of this letter, please contact Nirupa Manoharan on (08) [REDACTED] or [REDACTED] as soon as possible and in any event prior to 5:00pm on 15 March 2021.

Yours sincerely

NIRUPA MANOHARAN
Partner

Encl.

NOTICE

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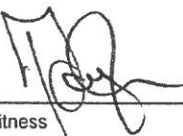
ACKNOWLEDGEMENT OF DEBT


To: NAMEO PTY LTD (Financier)
from: Christopher Michael Brown (Borrower)

1. The Borrower and the Financier are parties to a Loan agreement as amended from time to time, including further amounts advanced to the Borrower from time to time (**Loan Agreement**).
2. The Borrower acknowledges in favour of the Financier that:
 - (a) he is presently indebted to the Financier for amounts advanced, and has outstanding obligations to the Financier, under the verbal agreement.
 - (b) warrants that he presently has a sufficient balance to cover the payments due and owing to the Financier; and
 - (c) as at the 2nd of March 2021, the balance owing to the Financier under the Loan agreement was AUD\$34,379,518.00

Dated this 3rd day of March 2021

Signed by Christopher Michael Brown in the presence of


Signature of Witness


Christopher Michael Brown

JAYSEN TAYLOR
Print full name of Witness

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-06**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Monday, 15 March 2021 3:05 PM
To: [REDACTED]
Cc: Justin Daly; Stephanie Gan
Subject: 8093350 - Jaysen Taylor Final Demand to Christopher Brown
Attachments: Demand - Jaytona 15.03.2021.pdf; AOD - Jaytona.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Hunt

We act for Jaytona Pty Ltd in relation to debts owed by Christopher Brown to our client.

We are instructed that you act on behalf of Mr Brown in this matter.

Please see **attached**, by way of service, a Final Demand.

If you do not have instructions to accept service of the Final Demand, please confirm same by no later than 3.30pm WST and we will serve Mr Brown directly.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 8 [REDACTED] Direct

+61 8 6167 9888 Fax

Level 24, 240 St Georges Terrace, Perth WA 6000



Mills Oakley
ABN: 51 493 069 734

15 March 2021

Our ref: NXMM:8092655

All correspondence to:
PO Box 5784, St Georges Tce
PERTH WA 6831

Christopher Michael Brown

Contact
Nirupa Manoharan +61 [REDACTED]
Email: [REDACTED]

Partner
Nirupa Manoharan +61 [REDACTED]
Email: [REDACTED]

By email only: c/- ccomm@nlpq000qanm.com.au

FINAL DEMAND

Dear Mr Brown

Lender: Jaytona Pty Ltd (ACN 137 723 418)
Borrower: Christopher Michael Brown ("You")

We act for the above-named Lender, Jaytona Pty Ltd (ACN 137 723 418) (**Jaytona**).

You are indebted to Jaytona in respect of the Outstanding Amount (defined below) pursuant to a loan agreement and acknowledgment of debt dated 3 March 2021 (**Loan Agreement**).

Demand for Non-Payment

You are in default under the terms of the Loan Agreement in that You have failed to remit payment in full of the amounts owing pursuant to the Loan Agreement, within the timeframe stipulated, or at all.

As at 3 March 2021, the total amount owing by You to Jaytona pursuant to the Loan Agreement is \$1,663,730.00 (**Outstanding Amount**).

Accordingly, Jaytona demands that you **remit payment of the Outstanding Amount (\$1,663,730.00)** to Jaytona's nominated account **by 5pm WST Monday, 15 March 2021**.

The details for payment of the Outstanding Amount are as follows:

Name: Mills Oakley Law Practice Trust Account
Account No: [REDACTED]
BSB No: [REDACTED]
Ref: [REDACTED]

We **enclose**, for your reference an acknowledgment of debt confirming the quantum of the Outstanding Amount as between You and Jaytona as at 3 March 2021.

Interest, fees, charges and costs (including Jaytona's legal costs and expenses) will continue to accrue on the Outstanding Amount until payment is received in full.

In the event that You fail to comply with this Final Demand, Jaytona reserves its right to take whatever action is appropriate, without notice to You, to protect and recover the Outstanding Amount owed to Jaytona in addition to the interest on the Outstanding Amount and costs (including commencement of urgent injunctive relief and/or commencement of debt recovery

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proceedings in Court, as appropriate); Jaytona will seek to recover from You the costs of such further action.

If you would like to discuss the content of this letter, please contact Nirupa Manoharan on (08) [REDACTED] or [REDACTED] as soon as possible and in any event prior to 5:00pm on 15 March 2021.

Yours sincerely

NIRUPA MANOHARAN
Partner

Encl.

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ACKNOWLEDGEMENT OF DEBT

To: JAYTONA PTY LTD (Financier)
 from: Christopher Michael Brown (Borrower)

1. The Borrower and the Financier are parties to the Loan Agreement as amended from time to time, including further amounts advanced to the Borrower from time to time (**Loan Agreement**).
2. The Borrower acknowledges in favour of the Financier that:
 - (a) he is presently indebted to the Financier for amounts advanced, and has outstanding obligations to the Financier, under the Loan Agreement;
 - (b) warrants that he presently has a sufficient balance to cover the payments due and owing to the Financier; and
 - (c) as at 2nd March 2021, the balance owing to the Financier under and on the terms of the Loan Deed was AUD\$1,663,730.00

Dated this

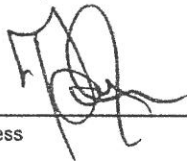
3rd

day of

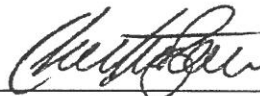
March

2021

Signed by Christopher Michael Brown in the presence of



Signature of Witness



Christopher Michael Brown

JANSEN TAYLOR

Print full name of Witness

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

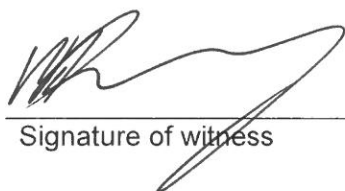
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-07**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nader El Sayed <[REDACTED]>
Sent: Friday, 12 March 2021 2:26 PM
To: Nirupa Manoharan
Subject: FW: Funds Update

From: Nader El Sayed
Sent: Friday, 12 March 2021 10:18 AM
To: Nirupa Manoharan <[REDACTED]>
Subject: Fwd: Funds Update

Begin forwarded message:

From: Chris Brown <[REDACTED]>
Date: 13 March 2019 at 2:56:31 pm AWST
Subject: Fwd: Funds Update

See below.

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Mar 13, 2019 at 12:40 PM
Subject: Funds Update
To: Chris Brown <[REDACTED]>

Chris

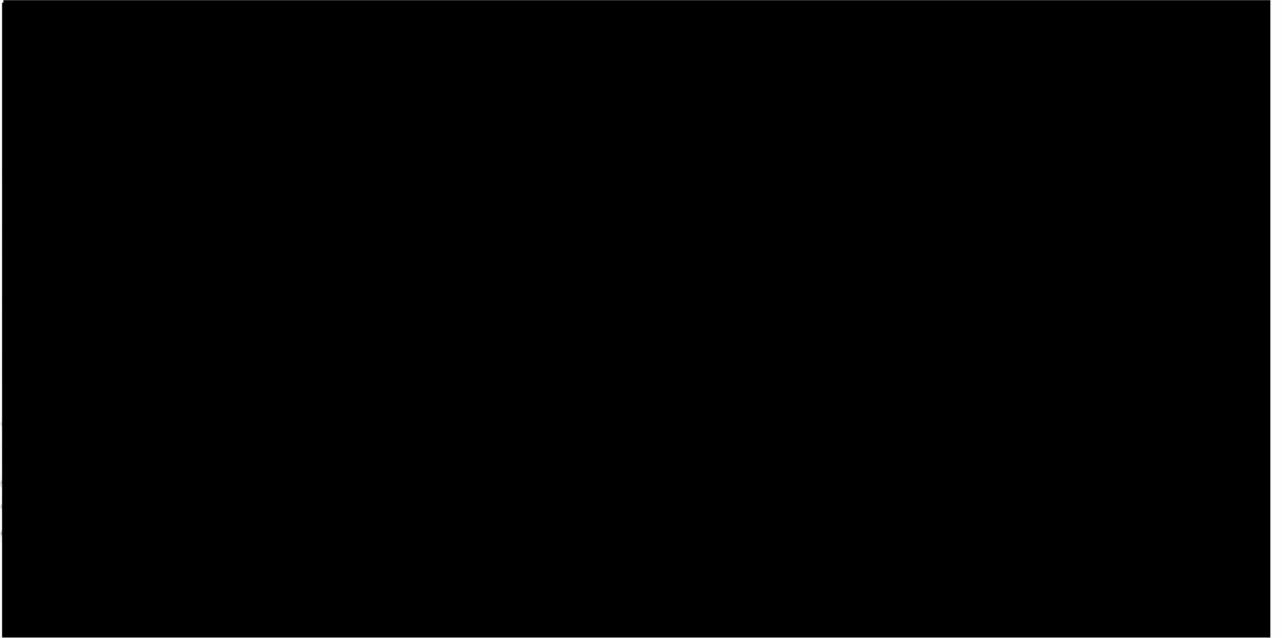
ETA regarding funds as follows:

- \$6.78m by Friday COB. I have sent across all info regarding previous issues, closure of account, sign of via relevant authorities, and settlement of case.
- \$1m was manually rejected today and will return to your account within 1-3 business days via OSKO system.

Regarding meeting Friday, afternoon should be fine, if nothing arises between then.

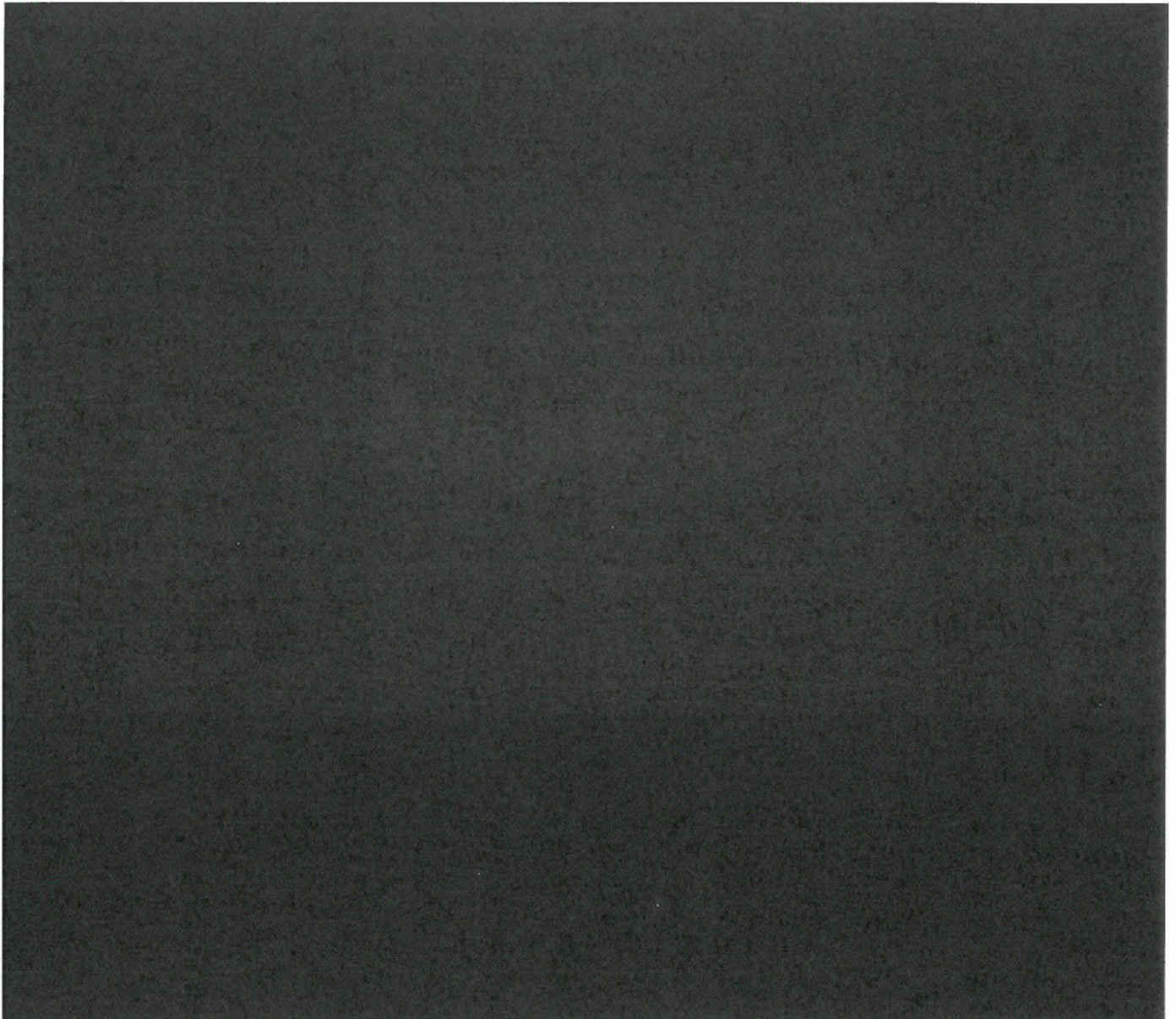
Regards

[REDACTED]



Amanda Johnson

From: Nader El Sayed <[REDACTED]>
Sent: Friday, 12 March 2021 2:26 PM
To: Nirupa Manoharan
Subject: FW: Chris Brown - Funds/Meeting



Begin forwarded message:

From: Chris Brown <[REDACTED]>
Date: 15 March 2019 at 12:05:13 pm AWST
Subject: Fwd: Chris Brown - Funds/Meeting

yippee

----- Forwarded message -----

From: [REDACTED]
Date: Fri, Mar 15, 2019 at 9:49 AM
Subject: Chris Brown - Funds/Meeting
To: Chris Brown <[REDACTED]>

Chris

I have this morning confirmed the release date for the large tranche of funds currently being processed in your account #812949. The bank will be processing the current \$6.78m as cleared funds Monday, 18th March at 1pm WST. You should receive confirmation of this also via email direct from your branch advisor.

The \$1m will be returning to your account via BPAY either today, or Monday in a worst case.

Do you have some time early next week for our catch up? As I also want to discuss your partnership agreement/liability moving forward if you are planning on dropping half a brick in to kick it off.

Regards

[REDACTED]

[REDACTED]

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

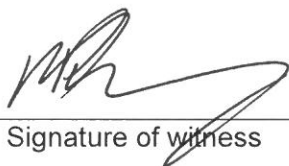
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-08**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Contact: [REDACTED]
Direct Line: [REDACTED]
Email: [REDACTED]

15 March 2021

Ms Nirupa Manoharan
Mills Oakley
Level 24, 240 St Georges Terrace
PERTH WA 6000

By Email: [REDACTED]

Dear Ms Manoharan

Mr Christopher Brown

I refer to our telephone conversation on 12 March 2021 in relation to Mr Chris Brown.

I first met Mr Brown in late 2017 or early March 2018. In or about mid 2018, Mr Brown contacted me and we spoke several times in the following months at a very high level about personal investments he wanted to make. During those conversations, Mr Brown advised me that he was running a betting syndicate and was having difficulties withdrawing the proceeds to return to syndicate members.

On 17 May 2019, I was informed by a client of mine, Mr Nader El Sayed, that Mr Brown had advised him that I was assisting Mr Brown in his dealings with the relevant banks to secure the return of the betting syndicate funds. I told Mr El Sayed that was not the case.

On 17 May 2019, Mr El Sayed sent me an email purportedly sent by me to Mr Brown. The email is *attached* to this letter as Annexure 1. I did not send the email to Mr Brown. On receipt of the email I contacted Mr Brown who admitted he had created the email and apologised to me for having done so. After receiving the email I referred the matter immediately to the Western Australian Police. I have not had a response.

On 11 March 2021, I received a second email from Mr El Sayed which I had not seen before. I did not send this email to Mr Brown. This email is annexure 2 to this letter.

It is my intention to refer the second email to the Western Australian Police this week.

If you have any questions in relation to the contents of this letter please do not hesitate to contact me.

Yours sincerely

[REDACTED]

[REDACTED]

Annexure 1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Chris Brown <[REDACTED]>
Date: 15 March 2019 at 12:05:13 pm AWST
Subject: Fwd: Chris Brown - Funds/Meeting

yippee

----- Forwarded message -----

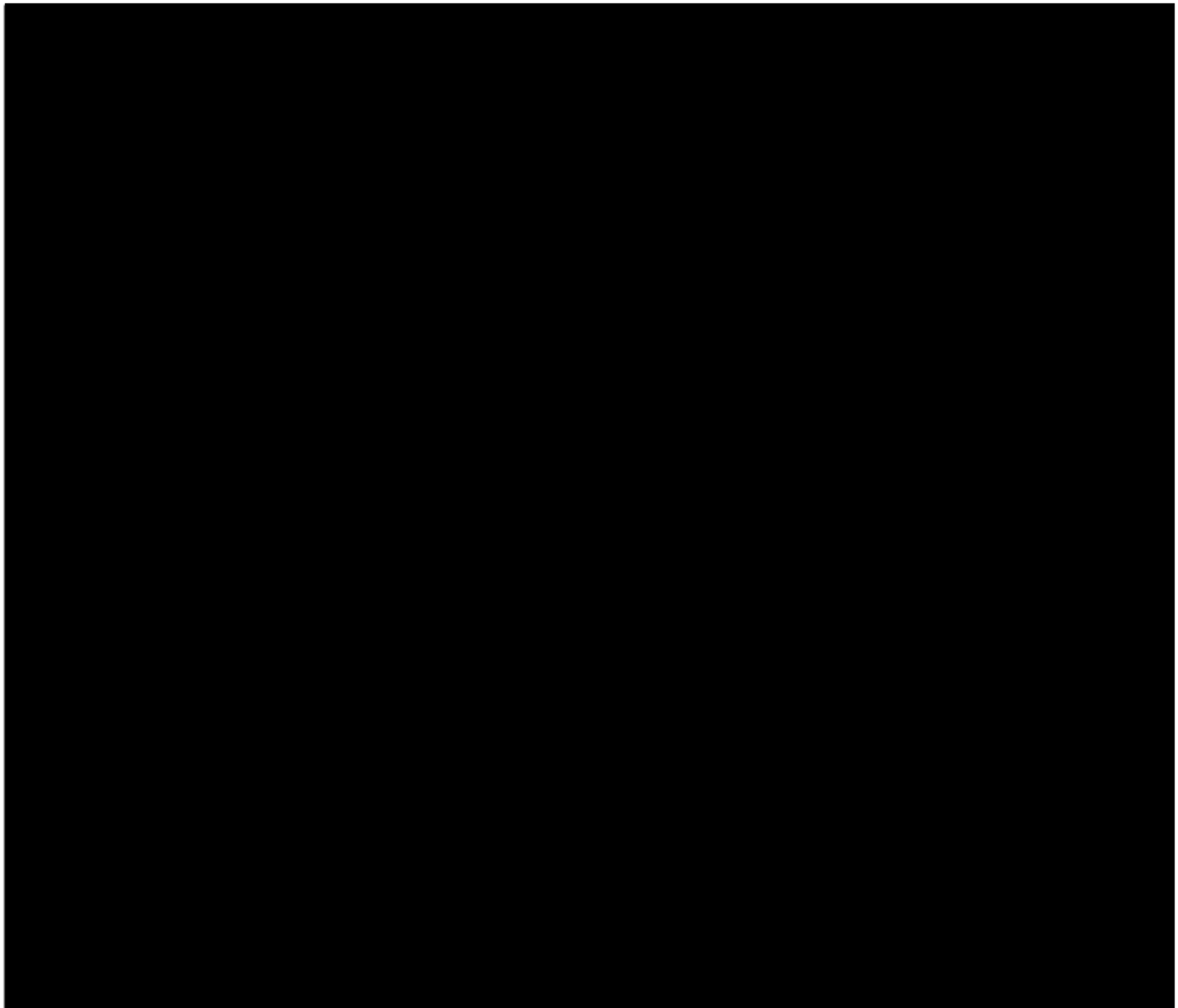
From: [REDACTED]
Date: Fri, Mar 15, 2019 at 9:49 AM
Subject: Chris Brown - Funds/Meeting
To: Chris Brown <[REDACTED]>

Chris

I have this morning confirmed the release date for the large tranche of funds currently being processed in your account #812949. The bank will be processing the current \$6.78m as cleared funds Monday, 18th March at 1pm WST. You should receive confirmation of this also via email direct from your branch advisor.

The \$1m will be returning to your account via BPAY either today, or Monday in a worst case.

Do you have some time early next week for our catch up? As I also want to discuss your partnership agreement/liability moving forward if you are planning on dropping half a brick in to kick it off.





Annexure 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Chris Brown [REDACTED]
Date: 13 March 2019 at 2:56:31 pm AWST
Subject: Fwd: Funds Update

See below.

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Mar 13, 2019 at 12:40 PM
Subject: Funds Update
To: Chris Brown <[REDACTED]>

Chris

ETA regarding funds as follows:

- \$6.78m by Friday COB. I have sent across all info regarding previous issues, closure of account, sign of via relevant authorities, and settlement of case.
- \$1m was manually rejected today and will return to your account within 1-3 business days via OSKO system.

Regarding meeting Friday, afternoon should be fine, if nothing arises between then.

Regards



No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

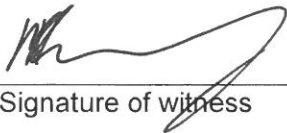
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-09**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 12/03/2021 12:21:54 PM AWST 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:	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4
File Number:	WAD299/2020
File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Dated: 12/03/2021 1:21:31 PM AWST

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.

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Notice of appearance

No. WAD 299 of 2020

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of **CHRISTOPHER MICHAEL BROWN**

CLARENCE DONOVAN and another named in the schedule

First Applicant

CHRISTOPHER MICHAEL BROWN

Respondent

ADAM FLETCHER of [REDACTED], the Supporting Creditor
appears.

Address for service

The Supporting Creditor gives notice that the Supporting Creditor's address for service is:

Place: Mills Oakley

Level 240

St Georges Terrace

PERTH WA 6000

Email: perthreception@millsoakley.com.au

Filed on behalf of (name & role of party)	Supporting Creditor
Prepared by (name of person/lawyer)	Mills Oakley
Law firm (if applicable)	Mills Oakley
Tel 08 6167 9800	Fax 08 6167 9898
Email	perthreception@millsoakley.com.au
Address for service (include state and postcode)	Level 240, St Georges Terrace Perth WA 6000



Date: 12 March 2021

A handwritten signature in blue ink, reading 'Mills Oakley'.

Signed by Mills Oakley
Lawyer for the Supporting Creditor

**Schedule**

No: WAD 299/2020

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Applicant JOAN DONOVAN

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS


Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-10**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 15/03/2021 4:39:45 PM AWST 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:	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4
File Number:	WAD299/2020
File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 16/03/2021 9:05:30 AM AWST

Registrar

Important Information

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Notice of appearance

No. WAD 299 of 2020

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of CHRISTOPHER MICHAEL BROWN

CLARENCE DONOVAN and another named in the schedule

First Applicant

CHRISTOPHER MICHAEL BROWN

Respondent

STUART CAMPBELL of [REDACTED], the Supporting Creditor
appears.

Address for service

The Supporting Creditor gives notice that the Supporting Creditor's address for service is:

Place: c/-Mills Oakley

Level 24, 240 St Georges Tce

PERTH WA 6000

Email: perthreception@millsoakley.com.au

Filed on behalf of (name & role of party)	Stuart Campbell, Supporting Creditor
Prepared by (name of person/lawyer)	Nirupa Manoharan
Law firm (if applicable)	Mills Oakley
Tel	08 6167 9800
Fax	08 6167 9898
Email	perthreception@millsoakley.com.au
Address for service (include state and postcode)	Level 24, 240 St Georges Tce, Perth WA 6000



Date: 15 March 2021

A handwritten signature in cursive script, appearing to read "Nirupa Manoharan".

Signed by Nirupa Manoharan
Lawyer for the Supporting Creditor

**Schedule**

No: WAD 299/2020

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Applicant JOAN DONOVAN

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

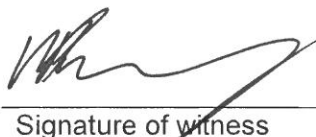
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-11**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

NOTICE OF FILING

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File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 16/03/2021 9:05:16 AM AWST

Registrar

Important Information

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Notice of appearance

No. WAD 299 of 2020

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of CHRISTOPHER MICHAEL BROWN

CLARENCE DONOVAN and another named in the schedule

First Applicant

CHRISTOPHER MICHAEL BROWN

Respondent

JAYSEN TAYLOR of [REDACTED], the Supporting Creditor
appears.

Address for service

The Supporting Creditor gives notice that the Supporting Creditor's address for service is:

Place: c/-Mills Oakley

Level 24, 240 St Georges Tce

PERTH WA 6000

Email: perthreception@millsoakley.com.au

Filed on behalf of (name & role of party)	Jaysen Taylor, Supporting Creditor
Prepared by (name of person/lawyer)	Nirupa Mancharan
Law firm (if applicable)	Mills Oakley
Tel	08 6167 9800
Fax	08 6167 9898
Email	perthreception@millsoakley.com.au
Address for service (include state and postcode)	Level 24, 240 St Georges Tce, Perth WA 6000



Date: 15 March 2021

A handwritten signature in cursive script, appearing to read "Nirupa Manoharan", is written above a horizontal line.

Signed by Nirupa Manoharan
Lawyer for the Supporting Creditor

**Schedule**

No: WAD 299/2020

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Applicant JOAN DONOVAN

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

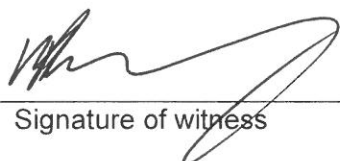
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-12**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY

Solicitor

Mills Oakley

24/240 St Georges Terrace

Perth WA 6000

NOTICE OF FILING

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File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 16/03/2021 9:05:12 AM AWST

Registrar

Important Information

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Notice of appearance

No. WAD 299 of 2020

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of CHRISTOPHER MICHAEL BROWN

CLARENCE DONOVAN and another named in the schedule

First Applicant

CHRISTOPHER MICHAEL BROWN

Respondent

365 PLANT HIRE PTY LTD (ACN 621 477 978) of Unit 7/37 Yirrigan Drive, Mirrabooka WA 6061, the Supporting Creditor appears.

Address for service

The Supporting Creditor gives notice that the Supporting Creditor's address for service is:

Place: c/-Mills Oakley

Level 24, 240 St Georges Tce

PERTH WA 6000

Email: perthreception@millsoakley.com.au

Filed on behalf of (name & role of party) 365 Plant Hire Pty Ltd (ACN 621 477 978), Supporting Creditor
Prepared by (name of person/lawyer) Nirupa Manoharan
Law firm (if applicable) Mills Oakley
Tel 08 6167 9800 Fax 08 6167 9898
Email perthreception@millsoakley.com.au
Address for service Level 24, 240 St Georges Tce, Perth WA 6000
(include state and
postcode)



Date: 15 March 2021

A handwritten signature in blue ink, appearing to read "Nirupa Manoharan", is written over a horizontal line.

Signed by Nirupa Manoharan
Lawyer for the Supporting Creditor

**Schedule**

No: WAD 299/2020

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Applicant JOAN DONOVAN

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

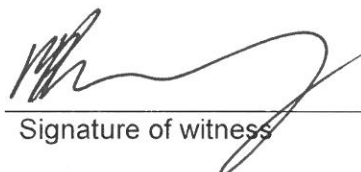
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-13**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

NOTICE OF FILING

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File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 16/03/2021 9:05:26 AM AWST

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.

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Notice of appearance

No. WAD 299 of 2020

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of CHRISTOPHER MICHAEL BROWN

CLARENCE DONOVAN and another named in the schedule

First Applicant

CHRISTOPHER MICHAEL BROWN

Respondent

NAMEO PTY LTD (ACN 155 839 197) of 2/51 Lancaster Road, Wangara WA 6065, the
Supporting Creditor appears.

Address for service

The Supporting Creditor gives notice that the Supporting Creditor's address for service is:

Place: c/-Mills Oakley

Level 24, 240 St Georges Tce

PERTH WA 6000

Email: perthreception@millsoakley.com.au

Filed on behalf of (name & role of party)	Nameo Pty Ltd (ACN 155 839 197), Supporting Creditor
Prepared by (name of person/lawyer)	Nirupa Manoharan
Law firm (if applicable)	Mills Oakley
Tel	08 6167 9800
Fax	08 6167 9898
Email	perthreception@millsoakley.com.au
Address for service (include state and postcode)	Level 24, 240 St Georges Tce, Perth WA 6000



Date: 15 March 2021

A handwritten signature in blue ink, appearing to read "Nirupa Manoharan", is written above a horizontal line.

Signed by Nirupa Manoharan
Lawyer for the Supporting Creditor

**Schedule**

No: WAD 299/2020

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Applicant JOAN DONOVAN

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**NM-14**” referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

NOTICE OF FILING

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Details of Filing

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File Number:	WAD299/2020
File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 16/03/2021 9:05:19 AM AWST

Registrar

Important Information

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Notice of appearance

No. WAD 299 of 2020

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of CHRISTOPHER MICHAEL BROWN

CLARENCE DONOVAN and another named in the schedule

First Applicant

CHRISTOPHER MICHAEL BROWN

Respondent

JAYTONA PTY LTD (ACN 137 723 418) of Unit 7/37 Yirrigan Drive, Mirrabooka WA 6061, the Supporting Creditor appears.

Address for service

The Supporting Creditor gives notice that the Supporting Creditor's address for service is:

Place: c/-Mills Oakley

Level 24, 240 St Georges Tce

PERTH WA 6000

Email: perthreception@millsoakley.com.au

Filed on behalf of (name & role of party)	Jaytona Pty Ltd (ACN 137 723 418), Supporting Creditor
Prepared by (name of person/lawyer)	Nirupa Manoharan
Law firm (if applicable)	Mills Oakley
Tel	08 6167 9800
Fax	08 6167 9898
Email	perthreception@millsoakley.com.au
Address for service (include state and postcode)	Level 24, 240 St Georges Tce, Perth WA 6000



Date: 15 March 2021

A handwritten signature in cursive script, appearing to read "Nirupa Manoharan".

Signed by Nirupa Manoharan
Lawyer for the Supporting Creditor

**Schedule**

No: WAD 299/2020

Federal Court of Australia
District Registry: Western Australia
Division: General

Second Applicant JOAN DONOVAN

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

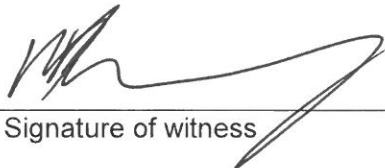
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-15**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/01/2021 2:36:41 PM AWST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Creditor's petition: Federal Court (Bankruptcy) Rules 2016 form B6
File Number:	WAD299/2020
File Title:	CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Hearing
Time and date for hearing:	22/02/2021, 10:30 AM
Place:	Hearing Room 6.1, Level 6, Peter Durack Commonwealth Law Courts Building Level 6, 1 Victoria Avenue, Perth



Sia Lagos

Dated: 20/01/2021 2:46:55 PM AWST

Registrar

Important Information

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

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

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



Amended Creditor's petition

WAD 299 of 2020

Federal Court of Australia
District Registry: WA
Division: General

In the matter of Christopher Michael Brown

CLARENCE DONOVAN

JOAN DONOVAN

Applicants

CHRISTOPHER MICHAEL BROWN

Respondent

To the Respondent

of [REDACTED] in the State of Western Australia

Hearing of this petition

This petition has been set down for hearing by the Court at the time, date and place shown in the Notice of Filing and Hearing attached. If you or your lawyer do not attend, then the Court may deal with the petition in your absence and make a sequestration order making you bankrupt.

You must file and serve a notice of appearance (Form B4) in the Registry before attending Court or taking any other steps in the proceeding.

Opposing this petition

If you wish to oppose this petition, you must:

- (a) file a notice of appearance (Form B4);
- (b) file a notice stating grounds of opposition to the petition (Form B5) and an accompanying affidavit supporting the grounds;

Filed on behalf of (name & role of party) Applicants
Prepared by (name of person/lawyer) Anthony Dique
Law firm (if applicable) Hammond Legal
Tel 08 6311 7080 Fax 08 6311 7081
Email info@hammondlegal.com.au
Address for service Level 2, 82 Beaufort St, Perth WA 6000
(include state and postcode)



- (c) serve a copy of each document on the applicant creditor at the address for service stated below not less than 3 days before the date for the hearing of this petition stated on the attached coversheet (Notice of Filing and Hearing); and
- (d) attend at the Court on the date for the hearing.

The Petition

The applicant creditor Clarence Donovan and Joan Donovan, both of [REDACTED] in the State of Western Australia applies to the Court for a sequestration order under section 43 of the *Bankruptcy Act 1966* against the estate of Christopher Michael Brown of 19 Flamingo Way, Willetton in the State of Western Australia.

1. The respondent debtor owes the applicant creditor the amount of \$82,020.50 being the balance of judgment debt in the Magistrates Court of Western Australia, PER/GCLM/5449/2020, the respondent debtor having paid \$10,000.00 since the date of judgment.
2. The applicant creditor does not hold security over the property of the respondent debtor.
3. At the time when the act of bankruptcy was committed, the respondent debtor:
 - was personally present in Australia;
 - was ordinarily resident in Australia.
4. The following act of bankruptcy was committed by the respondent debtor within 6 months before presentation of this petition:

The respondent debtor failed to comply on or before 27 November 2020 with the requirements of a bankruptcy notice served on him on 27 May 2020 or to satisfy the Court that he had a counter-claim, set-off or cross demand equal to or more than the sum claimed in the bankruptcy notice, being a counter-claim, set-off or cross demand that he could not have set up in the action in which the judgment referred to in the bankruptcy notice was obtained.

5. The applicant creditor provides the following information, to the extent it is known to the applicant creditor, for use by the Australian Financial Security Authority:
 - the date of birth of the respondent debtor: [REDACTED]
 - the business name of the respondent debtor: CMB Investments 1993 Pty Ltd
 - the business address of the respondent debtor: Ground Floor, 15 Ogilvie Road, Mount Pleasant WA 6153



Date: 20/1/2021

Hammond Legal
Signed by Hammond Legal
Solicitors for the applicants

Applicant creditor's address for service

The Applicant creditor's address for service is:

Place: Hammond Legal

Level 2, 82 Beaufort Street

PERTH WA 6000

Email: info@hammondlegal.com.au

Affidavit verifying creditor's petition

On [date], 18/1/2021, we, Clarence Donovan and Joan Donovan, both of [redacted] an
[redacted] in the State of Western Australia, both retired, say on oath/affirm:

1. We are the applicants.
2. The statements made in paragraphs 1, 2 and 3 of the creditor's petition are within our own knowledge true.
3. In respect of the statements made in paragraph 4 of the creditor's petition, we say the respondent failed, within 6 months after service of the bankruptcy notice, to pay the debt or make an arrangement to our satisfaction for payment of the debt.

Sworn / Affirmed by the deponents

at [place] [redacted]

in Western Australia

on [date] 17/1/2021

Before me:

Clarence Donovan
Signature of deponent - Clarence Donovan

Joan Donovan
Signature of deponent - Joan Donovan

Signature of witness

[Name and qualification of witness]

Gary Philip Blagden JP

Justice of the Peace

Western Australian Reg. No: 29822

Notes

1. If necessary, this affidavit, and any other affidavit verifying the petition, may be filed as a separate document in accordance with Form 59 of the *Federal Court Rules 2011* with the heading in Form B1. If this affidavit is filed as a separate document, a copy of the petition must be attached to it.
2. If the petition is founded on an act of bankruptcy mentioned in paragraph 40(1)(d) of the *Bankruptcy Act 1966*, the information required by rule 4.03 may be included in this affidavit (or, if an affidavit of the kind mentioned in Note 1 is filed, in that affidavit).
3. If the petition is founded on an act of bankruptcy mentioned in paragraph 40(1)(g) of the *Bankruptcy Act 1966*, the information required by rule 4.04 may be included in this affidavit (or, if an affidavit of the kind mentioned in Note 1 is filed, in that affidavit).
4. A creditor must give a copy of this petition to the Official Receiver within 2 working days after presentation. (see subregulation 4.05 (1) of the Bankruptcy Regulations)

[*delete if inapplicable]



Applications for file

[Back](#)

File details

Court: Federal Court of Australia, Western Australia Registry
 Number: WAD299/2020
 Title: CLARENCE DONOVAN & ANOR v CHRISTOPHER MICHAEL BROWN
 Filing Date: 17-Dec-2020
 Finalised Date:

Additional options for this file

[List of orders](#)

Existing applications

Application title

BANKRUPTCY

Type

Filed

Status

Finalised

Sequestration

17-Dec-2020

Open

Court Events and Orders

	Date	Time	Reason	Presiding Officer(s)	Location	Outcome	Orders
	29-Mar-2021	10:30	Hearing	WA Registrar	Hearing Room 6.1, Level 6		
<div><div></div><div>Details</div></div>	15-Mar-2021	10:30	Hearing	Registrar Benter	Registrar's Chambers	Adjourned - Pre-Hearing	View orders
<div><div></div><div>Details</div></div>	22-Feb-2021	10:30	Hearing	Registrar Benter	Registrar's Chambers	Adjourned - Pre-Hearing	View orders
<div><div></div><div>Details</div></div>	18-Jan-2021	10:30	Hearing	Registrar Benter	Registrar's Chambers	Adjourned - Pre-Hearing	View orders

Documents Filed

Date	Time	Document Title	Filed By
15-Mar-2021	16:39	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	365 Plant Hire Pty Ltd Acn 621 477 978
15-Mar-2021	16:39	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	365 Plant Hire Pty Ltd Acn 621 477 978
15-Mar-2021	16:39	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	365 Plant Hire Pty Ltd Acn 621 477 978
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15-Mar-2021	16:39	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	365 Plant Hire Pty Ltd Acn 621 477 978
12-Mar-2021	12:21	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	Mr ADAM FLETCHER
09-Mar-2021	17:28	Affidavit	Mr Christopher Michael Brown
26-Feb-2021	15:02	Affidavit	Mr Christopher Michael Brown
26-Feb-2021	15:02	Notice stating grounds of opposition to application, interim application and petition: Federal Court (Bankruptcy) Rules 2016 form B5	Mr Christopher Michael Brown
26-Feb-2021	15:02	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	Mr Christopher Michael Brown
26-Feb-2021	10:40	Notice of appearance: Federal Court (Bankruptcy) Rules 2016 form B4	Empire Capital Partners Pty Ltd (ACN 159 992 328)
19-Feb-2021	12:22	Affidavit	Mrs Joan Donovan
18-Feb-2021	14:55	Affidavit	Mrs Joan Donovan
18-Feb-2021	12:55	Amended Document	Mr Clarence Donovan
27-Jan-2021	10:21	Affidavit of Service of Creditor's Petition	Mr Clarence Donovan
20-Jan-2021	14:36	Affidavit	Mr Clarence Donovan
20-Jan-2021	14:36	Amended Document	Mr Clarence Donovan
17-Dec-2020	11:59	Affidavit	Mr Clarence Donovan
17-Dec-2020	11:59	Creditor's petition: Federal Court (Bankruptcy) Rules 2016 form B6	Mr Clarence Donovan

Parties

	Role	Name	End Date
	Supporting Creditor	365 Plant Hire Pty Ltd Acn 621 477 978	
	Respondent	Mr Christopher Michael Brown	
	Supporting Creditor	Stuart Campbell	
	Applicant	Mrs Joan Donovan	
	Applicant	Mr Clarence Donovan	
 Contact	Legal Representative Supporting Creditor	Edwards Mac Scovell Legal	
	Supporting Creditor	Nader El Sayed	
	Supporting Creditor	Empire Capital Partners Pty Ltd (ACN 159 992 328)	
	Supporting Creditor	Mr ADAM FLETCHER	
 Contact	Legal Representative Applicant	Hammond Legal	
 Contact	Legal Representative Respondent	Hopgoodganim Lawyers	
	Supporting Creditor	Jayfona Pty Ltd Acn 137 723 418	
 Contact	Legal Representative Supporting Creditor	Mills Oakley Lawyers	
	Supporting Creditor	Nameo Pty Ltd Acn 155 839 197	
	Supporting Creditor	Jaysen Taylor	
	Docket	WA Registrar	

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-16**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

[REDACTED]

From: Chris Brown <[REDACTED]>
Sent: Thursday, 28 January 2021 8:14 AM
To: Adam <[REDACTED]>; Stuart Campbell <[REDACTED]>
Subject: Fwd: 445223 [EXTERNAL] [SEC=OFFICIAL]

See below boys for reference when you chase up anything your end following dispersal of funds.

----- Forwarded message -----

From: Chris Brown <[REDACTED]m>
Date: Mon, 25 Jan 2021 at 11:31 am
Subject: Fwd: 445223 [EXTERNAL] [SEC=OFFICIAL]
To: Josh Hunt <[REDACTED]>

See below

----- Forwarded message -----

From: AUSTRAC Contact Centre <contact@austrac.gov.au>
Date: Fri, Jan 22, 2021 at 11:42 AM
Subject: 445223 [EXTERNAL] [SEC=OFFICIAL]
To: [REDACTED]

OFFICIAL

Ref: 445334

Good morning Christopher,

Confirming as discussed earlier this morning, AUSTRAC has received the original copies of the settlement documentation. We will now begin administration of these forms and notify other banks, and institutions of this settlement, which will allow an efficient process moving forward regarding your bank holds, the removal of such.

I will contact you early next week once these have been distributed, which will allow you to follow up with each bank, and institution, individually.

If you have any further questions, please call the AUSTRAC Contact Centre on 1300 021 037 or email contact@austrac.gov.au

Yours sincerely,

Mitchell R | *Officer*
Education, Capability and
Communications

P: 1300 021 037

E: contact@austrac.gov.au

@AUSTRAC W: www.austrac.gov.au

OFFICIAL

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

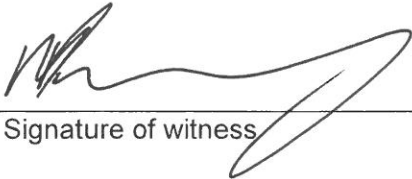
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-17**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Edward Greaves <ewg@egreaves.com.au>
Sent: Friday, 29 January 2021 11:01 AM
To: Michelle Lane
Cc: Natalie Klak
Subject: RE: fake email purporting to be from Austrac [EXTERNAL] [SEC=OFFICIAL]

Dear Michelle

Im just waiting on instructions. I am afraid I cant send it to you without my clients' permission. I do still expect that they will instruct me to send it to you, but not until next week. Sorry I cant be of more assistance.

Kind regards

Edward Greaves

www.egreaves.com.au

Liability limited by a scheme approved under the Professional Standards Legislation

From: Michelle Lane <[REDACTED]@austrac.gov.au>
Sent: Friday, 29 January 2021 10:19 AM
To: Edward Greaves <ewg@egreaves.com.au>
Cc: Natalie Klak <[REDACTED]>
Subject: RE: fake email purporting to be from Austrac [EXTERNAL] [SEC=OFFICIAL]

OFFICIAL

Good Afternoon Edward,

I have been asked to touch base with you once again, in relation to our telephone conversation yesterday.

As discussed, this needs to be escalated to our Security team, and it would be greatly appreciated that you send through the email you suspect is fake, in order for our team to investigate.

I appreciate you taking the time to contact AUSTRAC in relation to this concern, and look forward to your reply.

Kind Regards,

Michelle Lane | Officer
 Education, Capability and
 Communications

P: [REDACTED]

E: [REDACTED]

🐦 @AUSTRAC W: www.austrac.gov.au



Australian Government

AUSTRAC



AUSTRAC acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders, past and present and emerging.

Protecting Country by Indigenous artist Riki Salam uses symbols that represent AUSTRAC's vision and purpose to protect Australians from criminal abuse, both in Australia and beyond its borders.

OFFICIAL

From: Edward Greaves <ewg@egreaves.com.au>
Sent: Thursday, 28 January 2021 3:25 PM
To: Michelle Lane <[REDACTED]>
Subject: fake email purporting to be from Austrac [EXTERNAL]
Importance: High

Hi Michelle

We spoke a moment ago. I am seeking instructions to send you the email that I believe is fake.

Kind regards

Edward Greaves
 Barrister
 Francis Burt Chambers
 08 [REDACTED]
 [REDACTED]

<https://egreaves.com.au/>

Liability limited by a scheme approved under the Professional Standards Legislation.

This email is subject to Legal Professional Privilege.

 Please note that your email address is known to AUSTRAC for the purposes of communicating with you. The information transmitted in this e-mail is for the use of the intended recipient only and may contain confidential and/or legally privileged material. If you have received this information in error you must not disseminate, copy or take any action on it and we request that you delete all copies of this transmission together with attachments and notify the sender. This footnote also confirms that this email message has been swept for the presence of computer viruses.

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-18**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Friday, 12 March 2021 11:55 AM
To: contact@austrac.gov.au; [REDACTED]
Cc: Justin Daly; Edward Greaves
Subject: Ref: 445334, email purporting to be from Austrac
Attachments: Ref 445223
Importance: High

Dear Sonia, Michelle & Natalie

I act for Mr Adam Fletcher and Mr Stuart Campbell (**My Clients**) and refer to my call with Sonia a short while ago.

I refer to the brief correspondence that passed between our counsel Mr Greaves (cc'd) and Ms Lane of your department on or around 29 January 2021 with respect to certain correspondence received from a Mr Christopher Brown.

I now hold instructions from My Clients to release to Austrac the email purportedly sent to Mr Brown from a 'Mitchell R' of the 'Austrac Contact Centre' which was in turn forwarded to them by Mr Brown. Please see **attached**. I would be appreciative if Austrac could confirm the authenticity or otherwise of the attached email?

Your urgent response to this matter would be appreciated. I am available to discuss at the below number.

Kind regards

Nirupa Manoharan | Partner | Commercial Disputes & Insolvency

MILLS OAKLEY

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

+61 [REDACTED] Direct
 +61 8 6167 9898 Fax

Level 24, 240 St Georges Terrace, Perth WA 6000

Amanda Johnson

From: Nirupa Manoharan
Sent: Friday, 12 March 2021 11:35 AM
To: Nirupa Manoharan
Subject: Ref 445223

From: Chris Brown <[REDACTED]>
Sent: Thursday, 28 January 2021 8:14 AM
To: Adam <[REDACTED]>; Stuart Campbell <[REDACTED]>
Subject: Fwd: 445223 [EXTERNAL] [SEC=OFFICIAL]

See below boys for reference when you chase up anything your end following dispersal of funds.

----- Forwarded message -----

From: Chris Brown <[REDACTED]@m>
Date: Mon, 25 Jan 2021 at 11:31 am
Subject: Fwd: 445223 [EXTERNAL] [SEC=OFFICIAL]
To: Josh Hunt <[REDACTED]>

See below

----- Forwarded message -----

From: AUSTRAC Contact Centre <contact@austrac.gov.au>
Date: Fri, Jan 22, 2021 at 11:42 AM
Subject: 445223 [EXTERNAL] [SEC=OFFICIAL]
To: browncm1993@gmail.com <browncm1993@gmail.com>

OFFICIAL

Ref: 445334

Good morning Christopher,

Confirming as discussed earlier this morning, AUSTRAC has received the original copies of the settlement documentation. We will now begin administration of these forms and notify other banks, and institutions of this settlement, which will allow an efficient process moving forward regarding your bank holds, the removal of such.

I will contact you early next week once these have been distributed, which will allow you to follow up with each bank, and institution, individually.

If you have any further questions, please call the AUSTRAC Contact Centre on 1300 021 037 or email contact@austrac.gov.au

Yours sincerely,

Mitchell R | *Officer*
Education, Capability and
Communications

P: 1300 021 037

E: contact@austrac.gov.au

@AUSTRAC W: www.austrac.gov.au

OFFICIAL

No. WAD of 2021

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

ADAM NICHOLAS IAN FLETCHER AND OTHERS

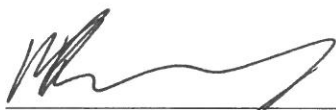
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as "**NM-19**" referred to in the affidavit of **Nirupa Manoharan** affirmed on 16 March 2021.



Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

Amanda Johnson

From: AUSTRAC Contact Centre <contact@austrac.gov.au>
Sent: Friday, 12 March 2021 11:56 AM
To: Nirupa Manoharan
Subject: Automatic reply: 445334, email purporting to be from Austrac [EXTERNAL]

Thank you for contacting AUSTRAC.

We will make every effort to respond to your enquiry within 5 business days.

If your matter is urgent please call the AUSTRAC Contact Centre on 1300 021 037 between 0830 – 1700 on normal business days.

For further information please visit our website at www.austrac.gov.au

AUSTRAC Contact Centre

P: 1300 021 037

E: contact@austrac.gov.au

W: www.austrac.gov.au



 Please note that your email address is known to AUSTRAC for the purposes of communicating with you. The information transmitted in this e-mail is for the use of the intended recipient only and may contain confidential and/or legally privileged material. If you have received this information in error you must not disseminate, copy or take any action on it and we request that you delete all copies of this transmission together with attachments and notify the sender. This footnote also confirms that this email message has been swept for the presence of computer viruses.
