

EXHIBIT NOTE BG - 1

COURT DETAILS

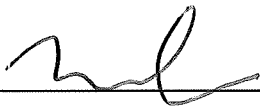
Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**
First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -1" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on

17 February 2022



Name:

Michael Kevin Hayler

SOLICITOR
LEVEL 4, 20 HUNTER STREET
SYDNEY NSW 2000

A - Name of Interested Party	B - Address	C - Email address	D - Express Post Number	E - Date of Expiry of Notice Period	F - Confirmation of Service - Realisation (Y/N)	G - Confirmation Received On	H - Confirmation Via	
Out of Pocket Investors								
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	13-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	14-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	7-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	2-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	2-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	4-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	30-Nov-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	4-Dec-21	Read Receipt	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	7-Dec-21	Annexure B	
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	8-Dec-21	Annexure B	
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	3-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	30-Nov-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	29-Nov-21	Read Receipt	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	8-Dec-21	Annexure B	
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	13-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	7-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	29-Nov-21	Read Receipt	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	2-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	2-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	16-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	6-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	14-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	2-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	7-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	5-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	14-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	30-Nov-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	16-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	16-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	16-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	5-Dec-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	30-Nov-21	Annexure B	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	17-Dec-21	Annexure B	
Solicitors/ Advisers for Out-of-Pocket Investors								
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	30-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	29-Nov-21	Read Receipt
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	30-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	30-Nov-21	Email

EXHIBIT NOTE BG - 1

COURT DETAILS

Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

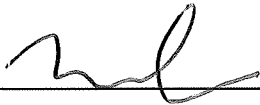
TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -1" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on

17 February 2022



Name:

Michael Kevin Hayler

SOLICITOR
LEVEL 4, 20 HUNTER STREET
SYDNEY NSW 2000

Other Investors (NOT Out-of-Pocket)

[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	6-Dec-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	1-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	1-Dec-21	Read Receipt
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	1-Dec-21	Read Receipt
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	30-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	Y	1-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A

Other Parties

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	29-Nov-21	Read Receipt
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	N/A	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	N/A	17-Jan-22	Y	4-Feb-22	Email & Letter
[REDACTED]	[REDACTED]	[REDACTED]	N/A	18-Jan-22	Y	7-Feb-22	Email

Banks

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	3-Dec-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	1-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	17-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	8-Dec-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B

Beneficiaries of Will

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	N/A	16-Dec-21	Y	15-Dec-21	Email & Letter
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	25-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	N/A	16-Dec-21	Y	25-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	15-Dec-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	N	N/A	N/A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	20-Dec-21	Y	9-Dec-21	Annexure B
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	3-Dec-21	Letter
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	3-Dec-21	Letter

Family

[REDACTED]	[REDACTED]	[REDACTED]	N/A	16-Dec-21	Y	15-Dec-21	Email & Letter
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	25-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	N/A	16-Dec-21	Y	25-Nov-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	15-Dec-21	Email
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	3-Dec-21	Letter
[REDACTED]	[REDACTED]	[REDACTED]	N/A	15-Dec-21	Y	3-Dec-21	Letter

EXHIBIT NOTE BG - 2

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -2" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: Michael Kevin Hayter
SOLICITOR
LEVEL 4, 20 HUNTER STREET
SYDNEY NSW 2000

THIS IS THE LAST WILL AND TESTAMENT OF ME MELISSA LOUISE CADDICK of [REDACTED] in the State of New South Wales.

1. I HEREBY REVOKE all former Wills and Testamentary Dispositions heretofore made by me and I DECLARE this to be my last Will and Testament.

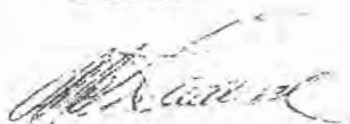
2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

Testatrix

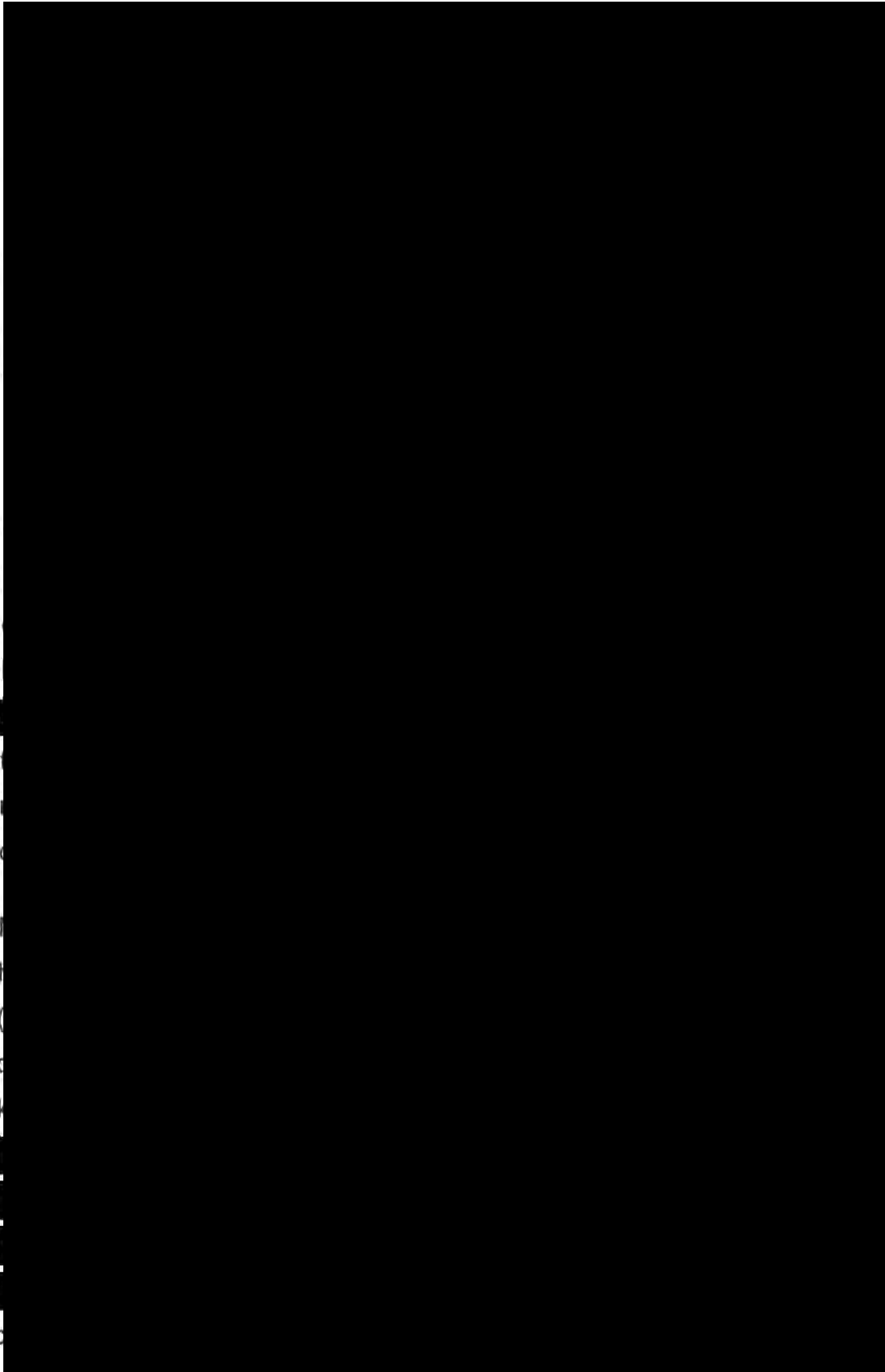


Witnesses

6.

7.

8.



Testatrix

[Handwritten signature]

[Handwritten signature]

Witnesses

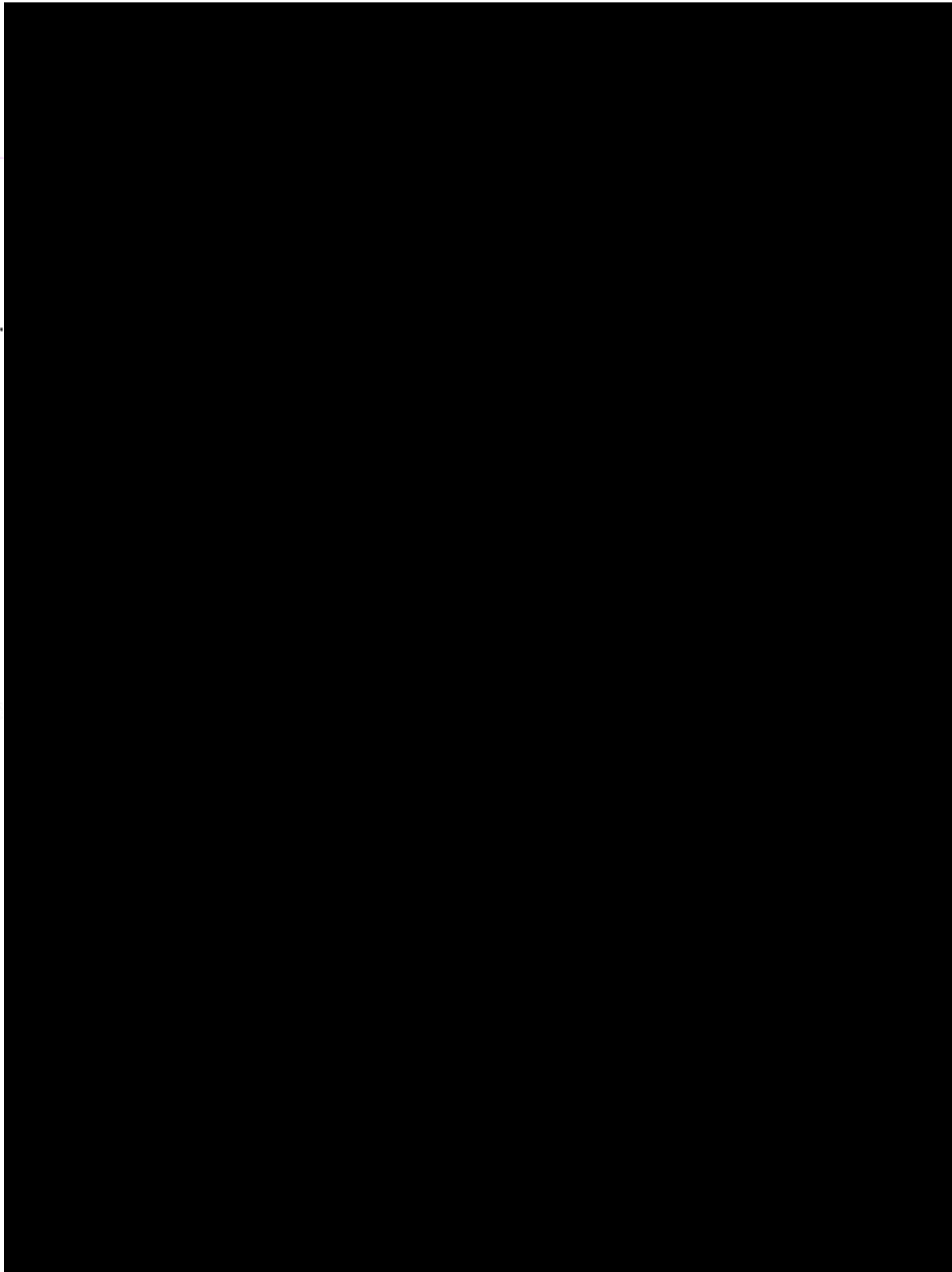
9.

10.

11.

12.

13.



Testatrix

A handwritten signature in cursive script, appearing to read "Alta ...", is written below the "Testatrix" label.

A handwritten signature in cursive script is written above the "Witnesses" label.

Witnesses

14.

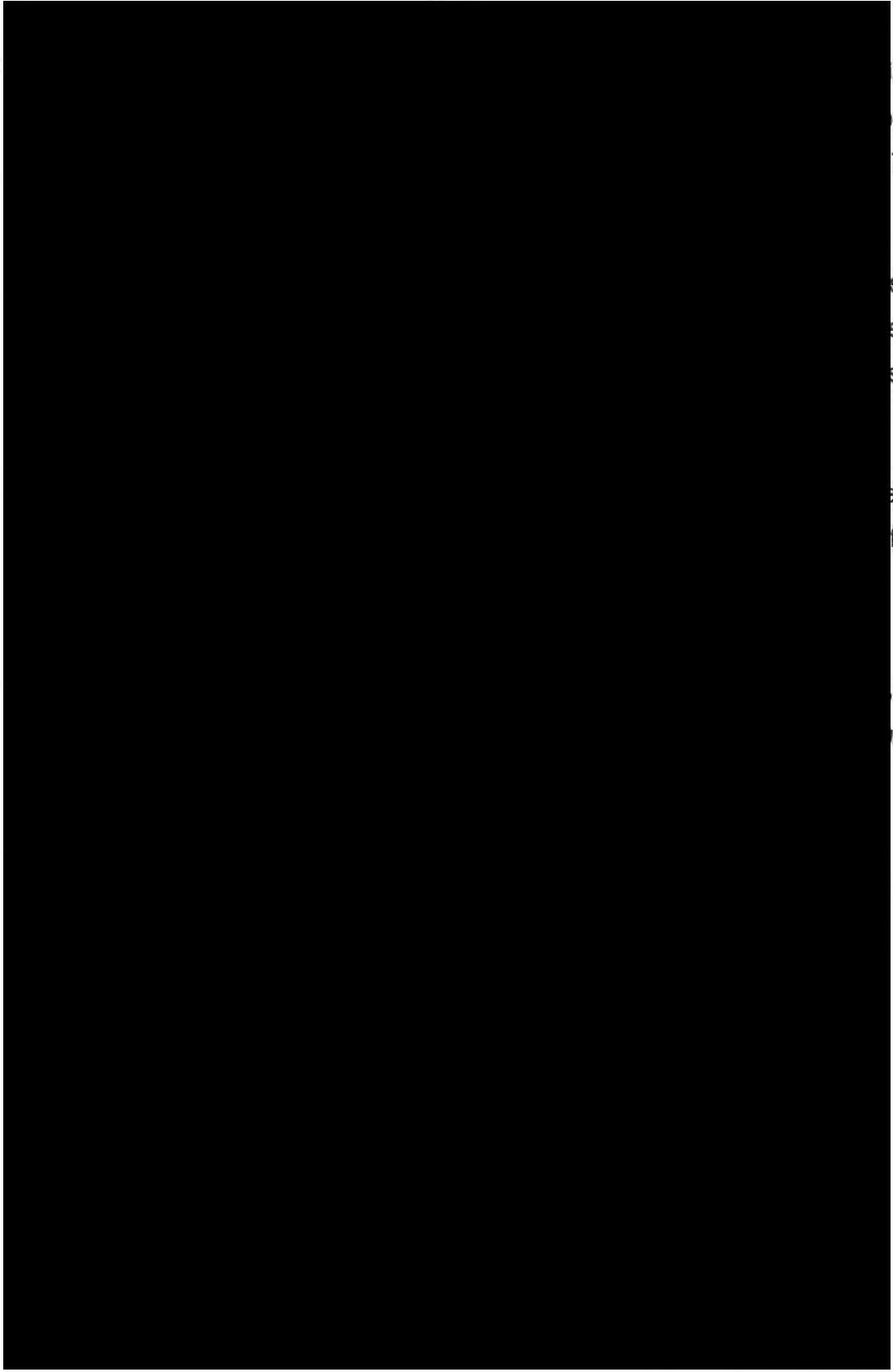
15.

16.

17.

18.

19.



Testatrix

A handwritten signature in cursive script, appearing to read "M. J. ...", is written below the "Testatrix" label.

A handwritten signature in cursive script, appearing to read "J. E. ...", is written above the "Witnesses" label.

Witnesses

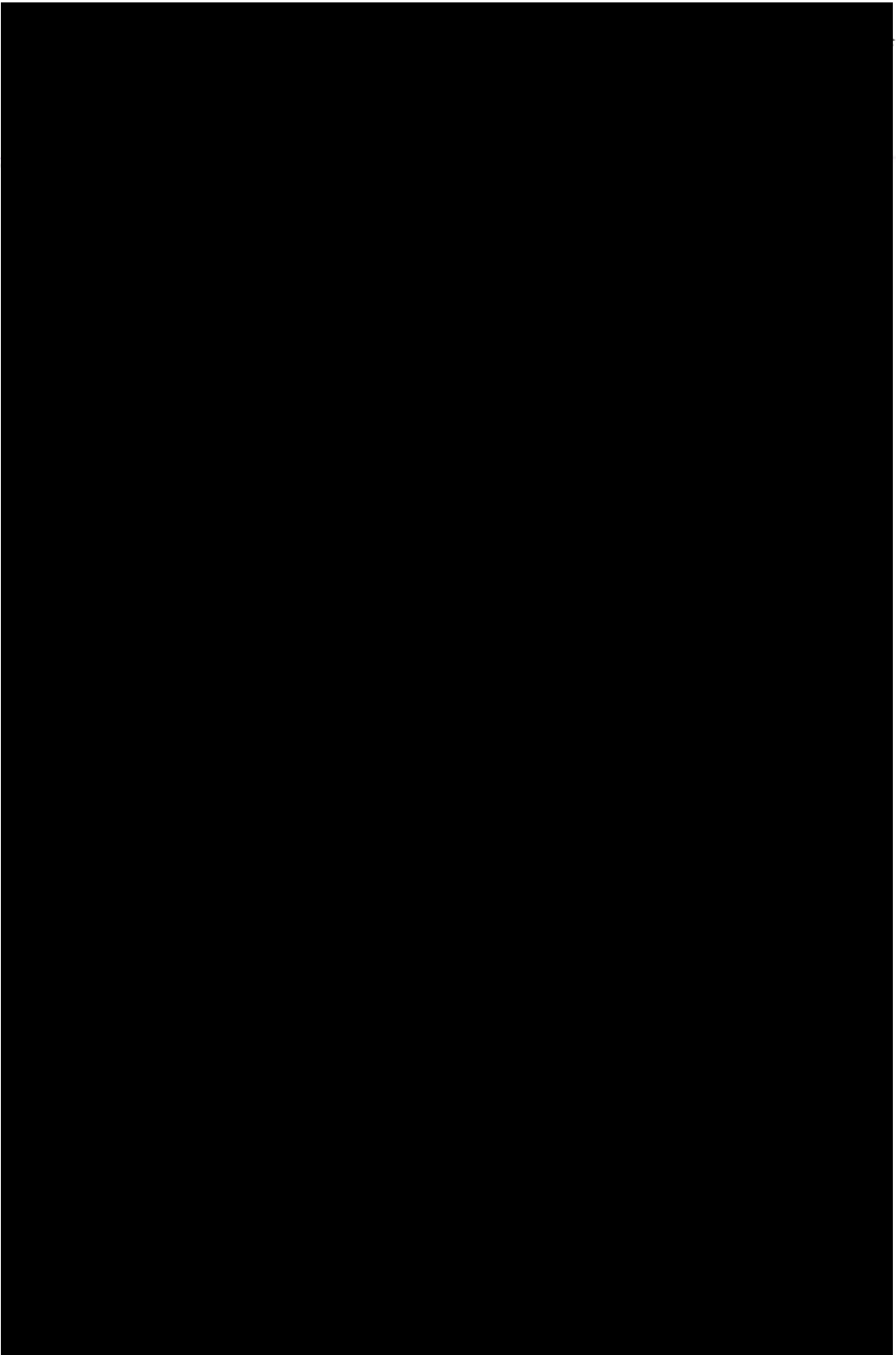
20.

21.

22.

23.

24.



Testatrix

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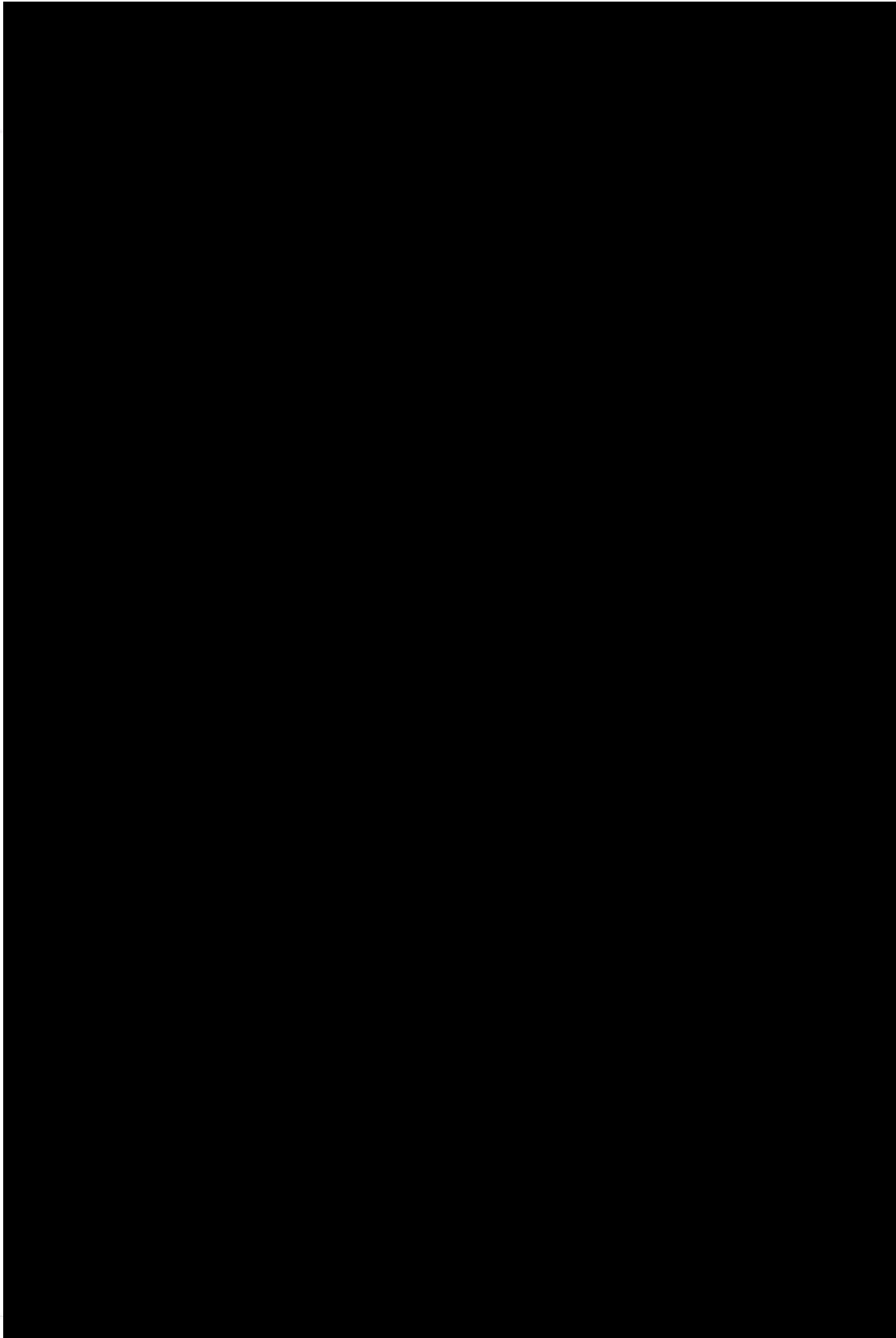
A handwritten signature in cursive script is written above the "Witnesses" label.

Witnesses

25.

26.

27.

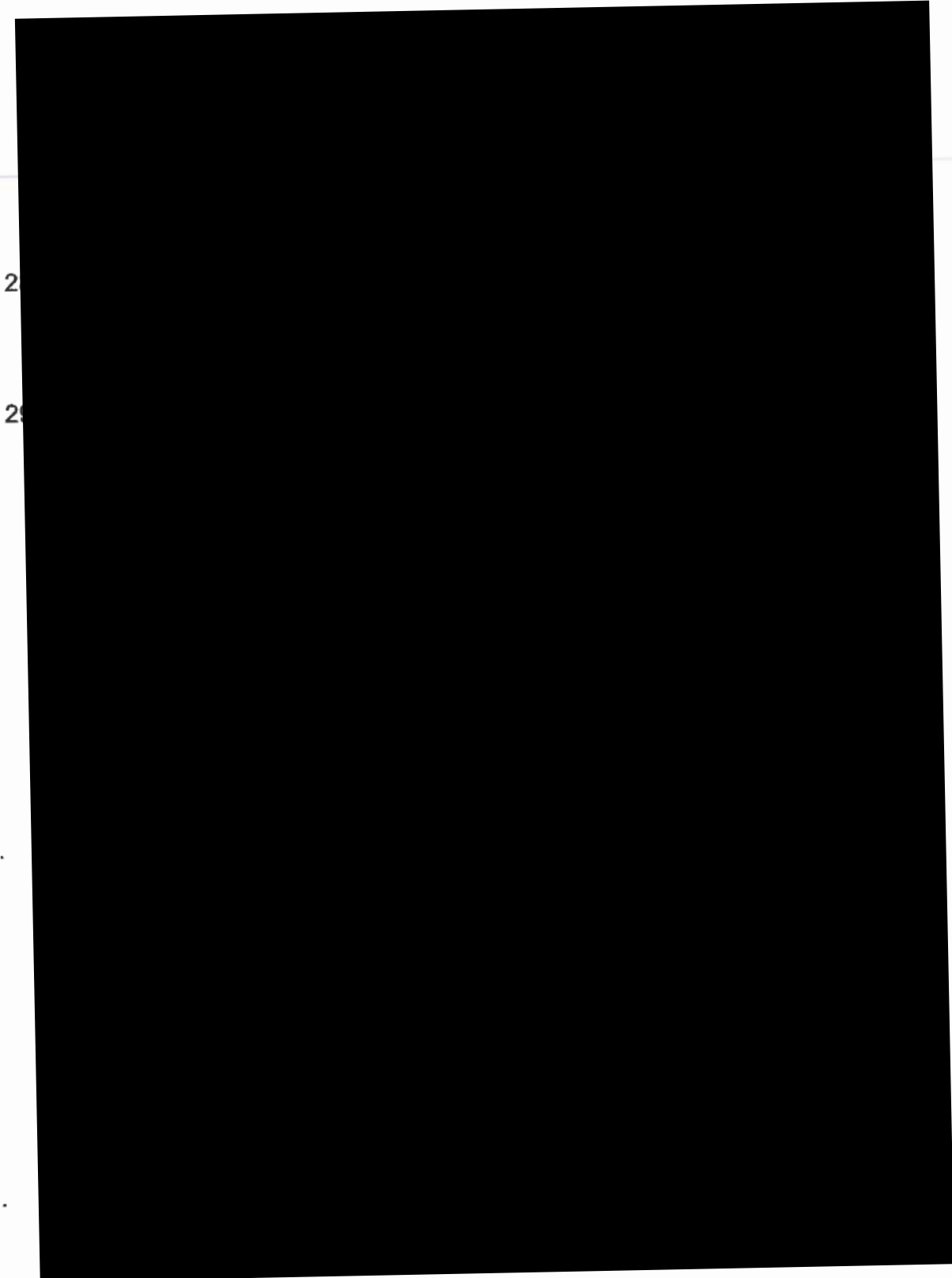


Testatrix

[Handwritten signature]

[Handwritten signature]

Witnesses



2

2

30.

31.

Testatrix

[Handwritten signature]

[Handwritten signature]

Witnesses

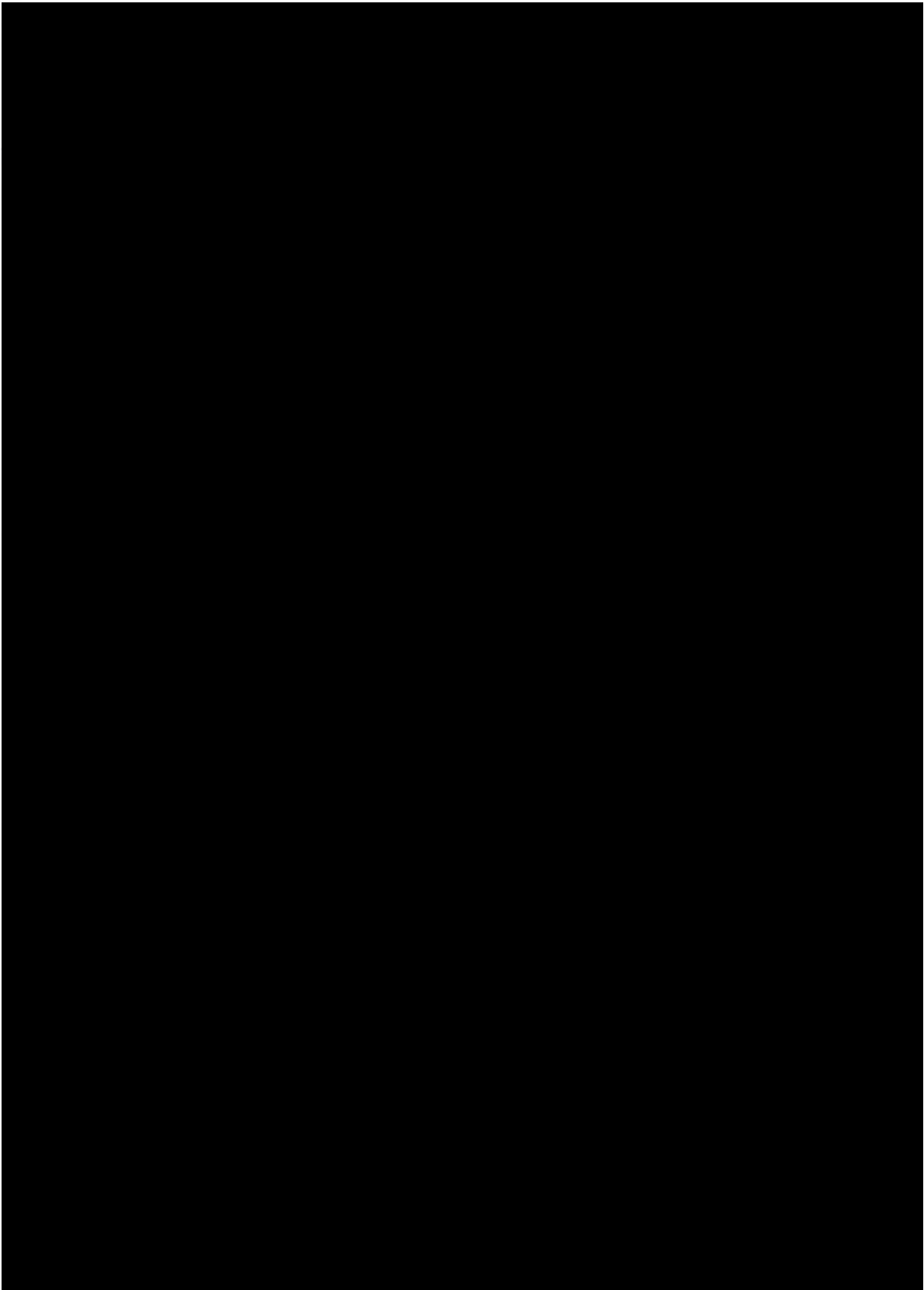
32.

33.

34.

35.

36.



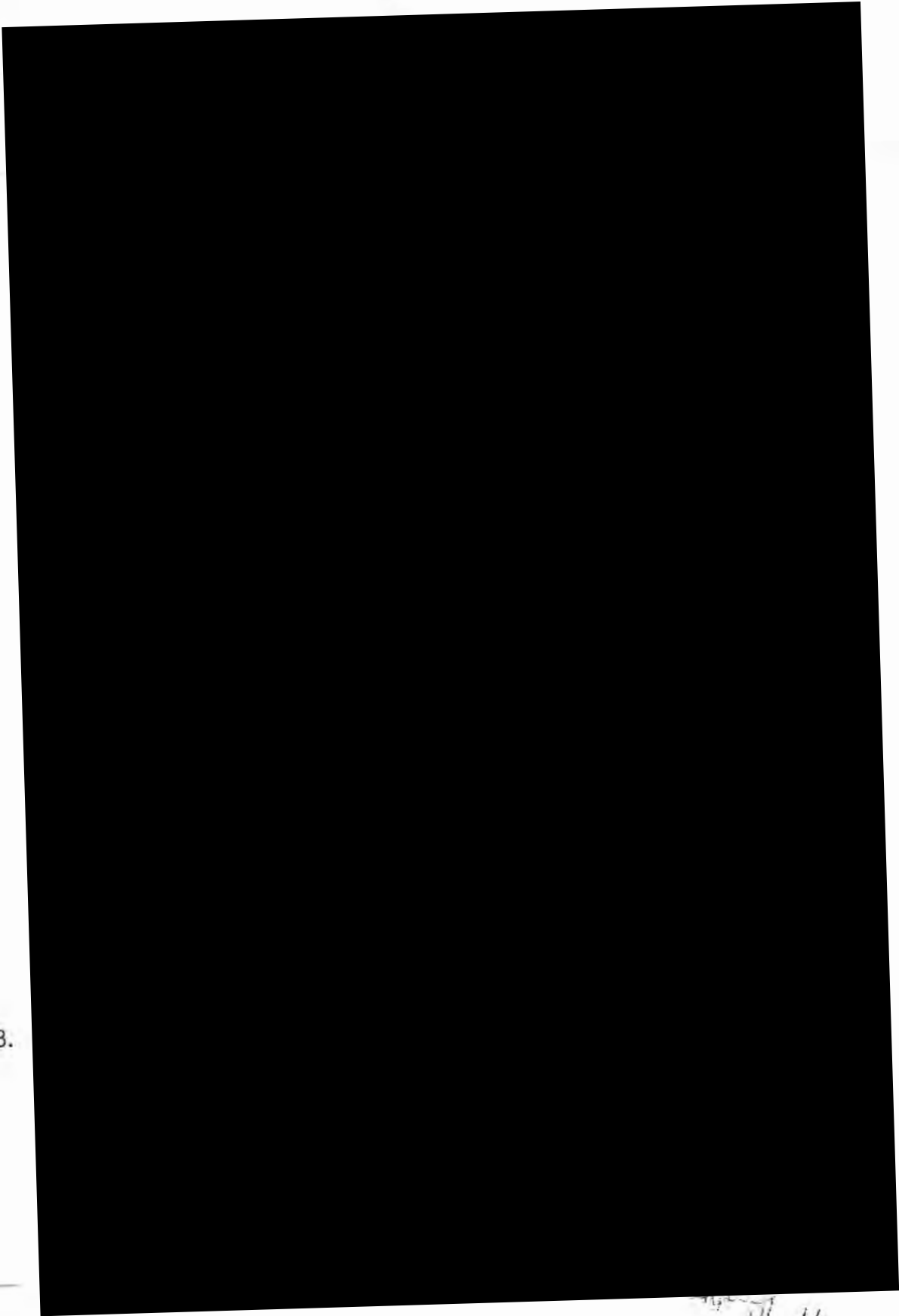
Testatrix

A handwritten signature in cursive script, appearing to read "M. Howard", is written below the "Testatrix" label.

A handwritten signature in cursive script, appearing to read "W. H.", is written above the "Witnesses" label.

Witnesses

37.



38.

Testatrix

A handwritten signature in cursive script, appearing to read "M. K. ...", is written below the "Testatrix" label.


A handwritten signature in cursive script, appearing to read "M. H.", is written above the "Witnesses" label.

Witnesses

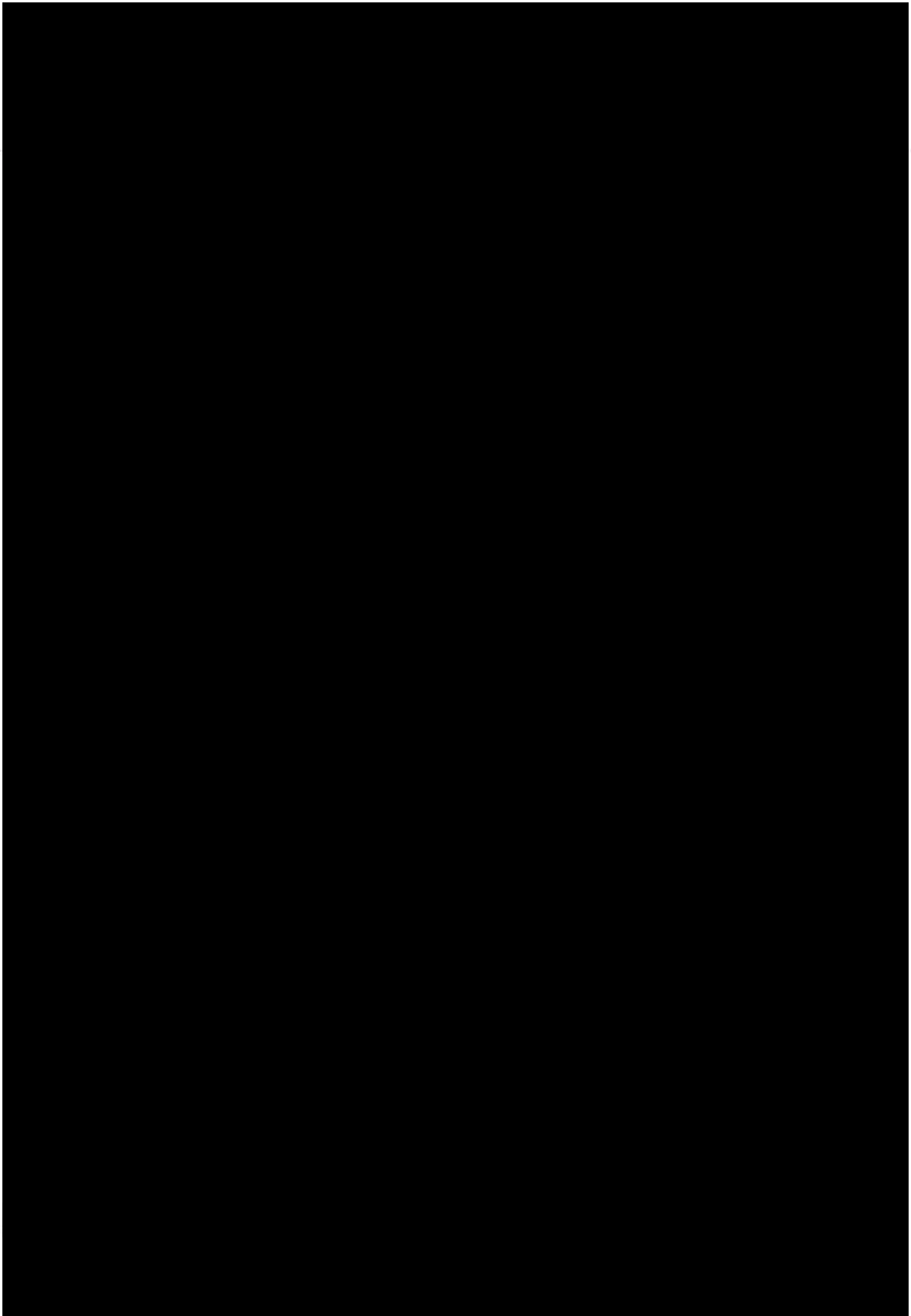
39

40.

Testatrix



Witnesses



41.

42.

Testatrix

A handwritten signature in dark ink, appearing to be 'M. E. ...', is written below the 'Testatrix' label.

A handwritten signature in dark ink, appearing to be 'J. H. ...', is written above the 'Witnesses' label.

Witnesses

43.

44.

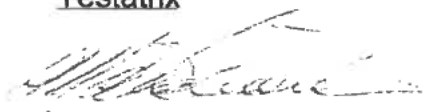
45.

46.

47.

48.

Testatrix




Witnesses

49.

50.

51.

52.

Testatrix

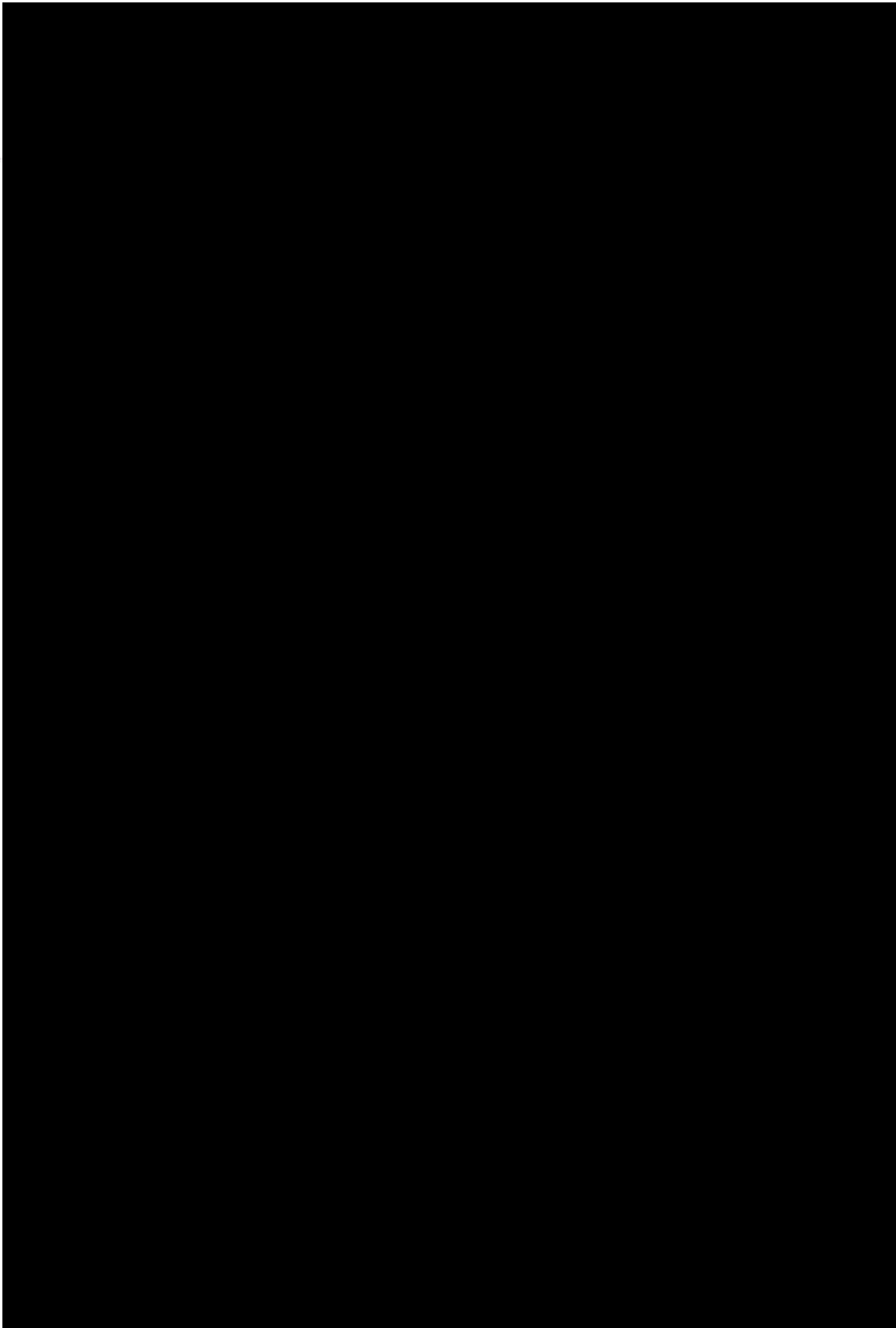
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[Handwritten signature]

Witnesses

53.

54.

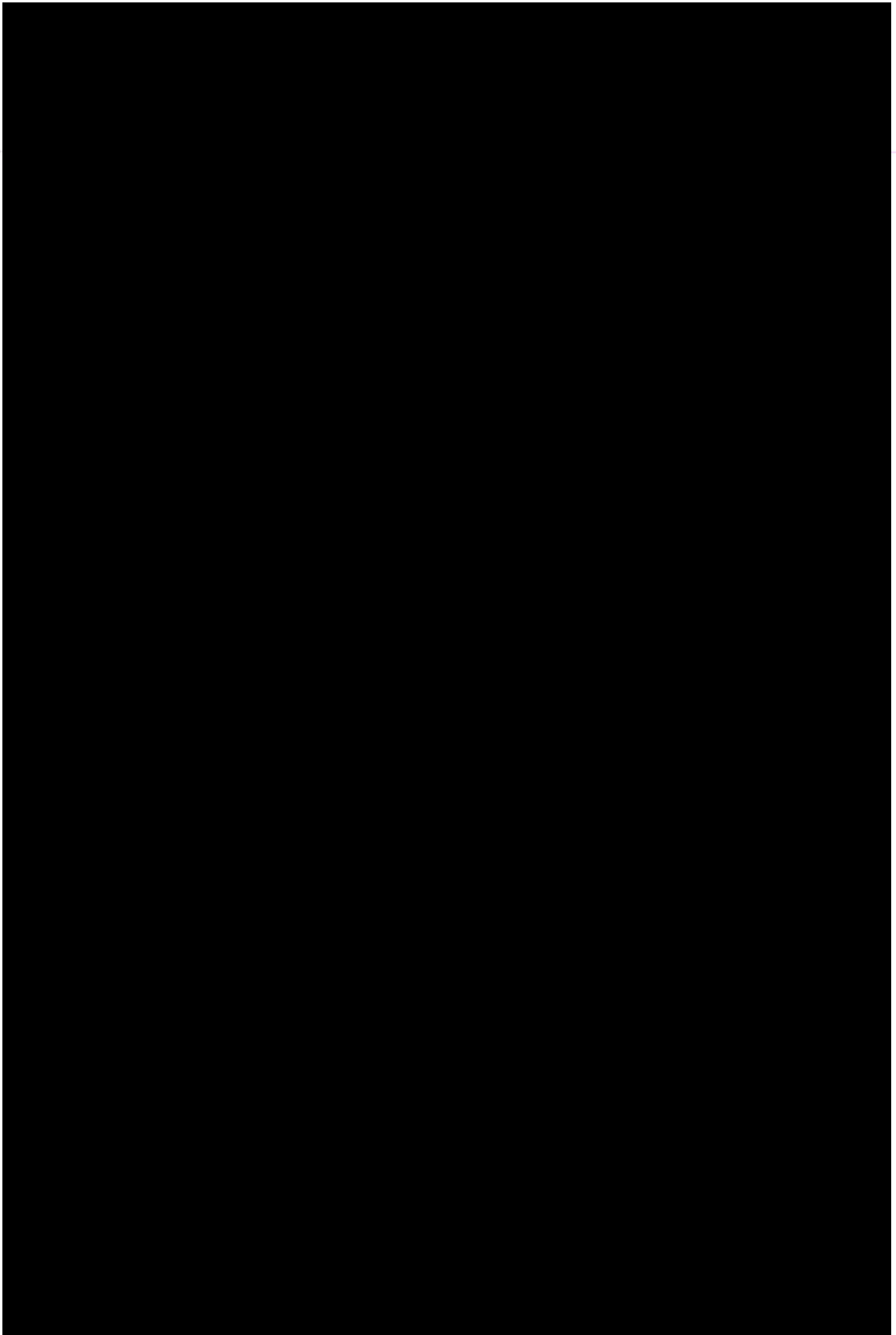


Testatrix

[Handwritten signature]

[Handwritten signature]

Witnesses

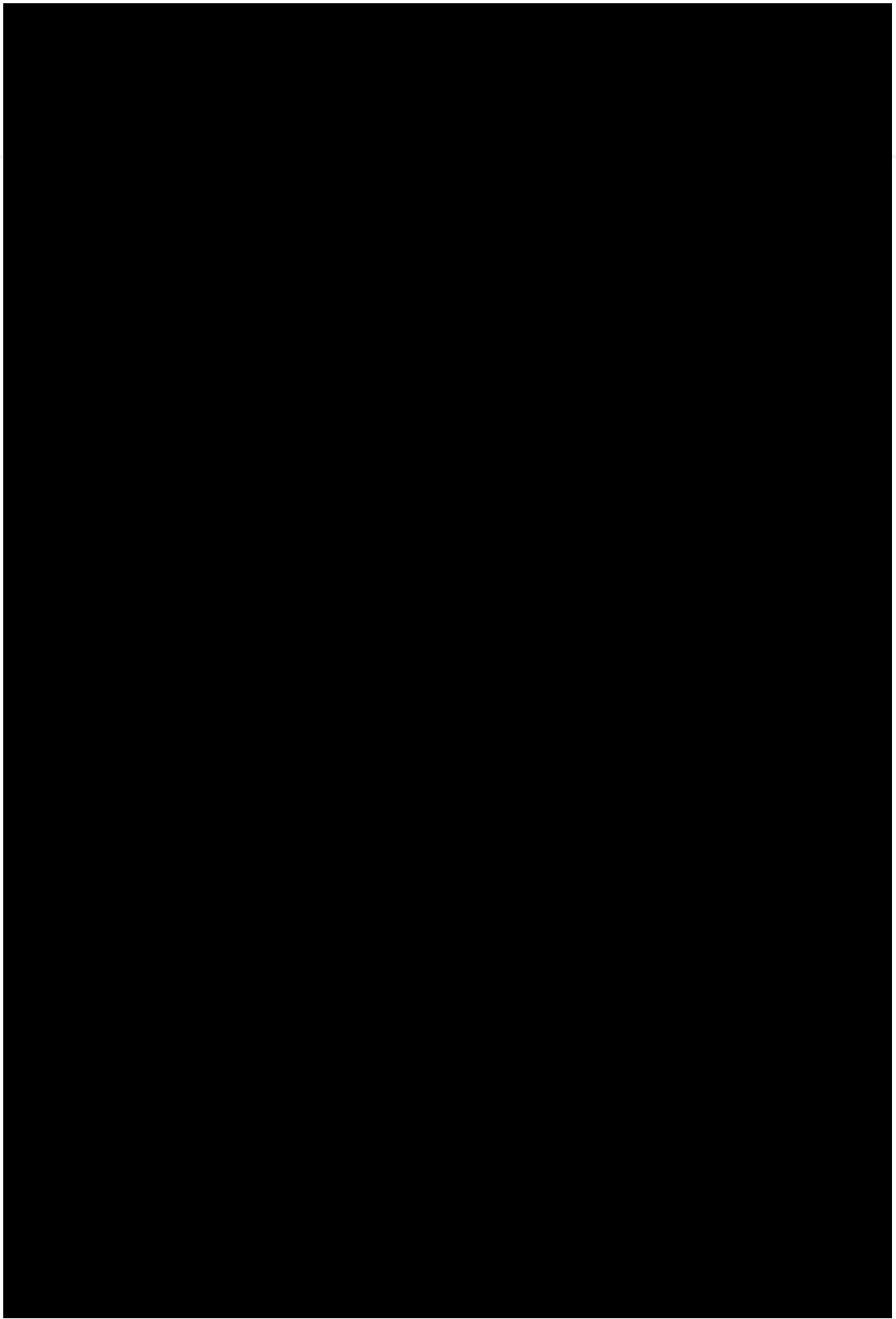


Testatrix

[Handwritten signature]

Witnesses

[Handwritten signature]

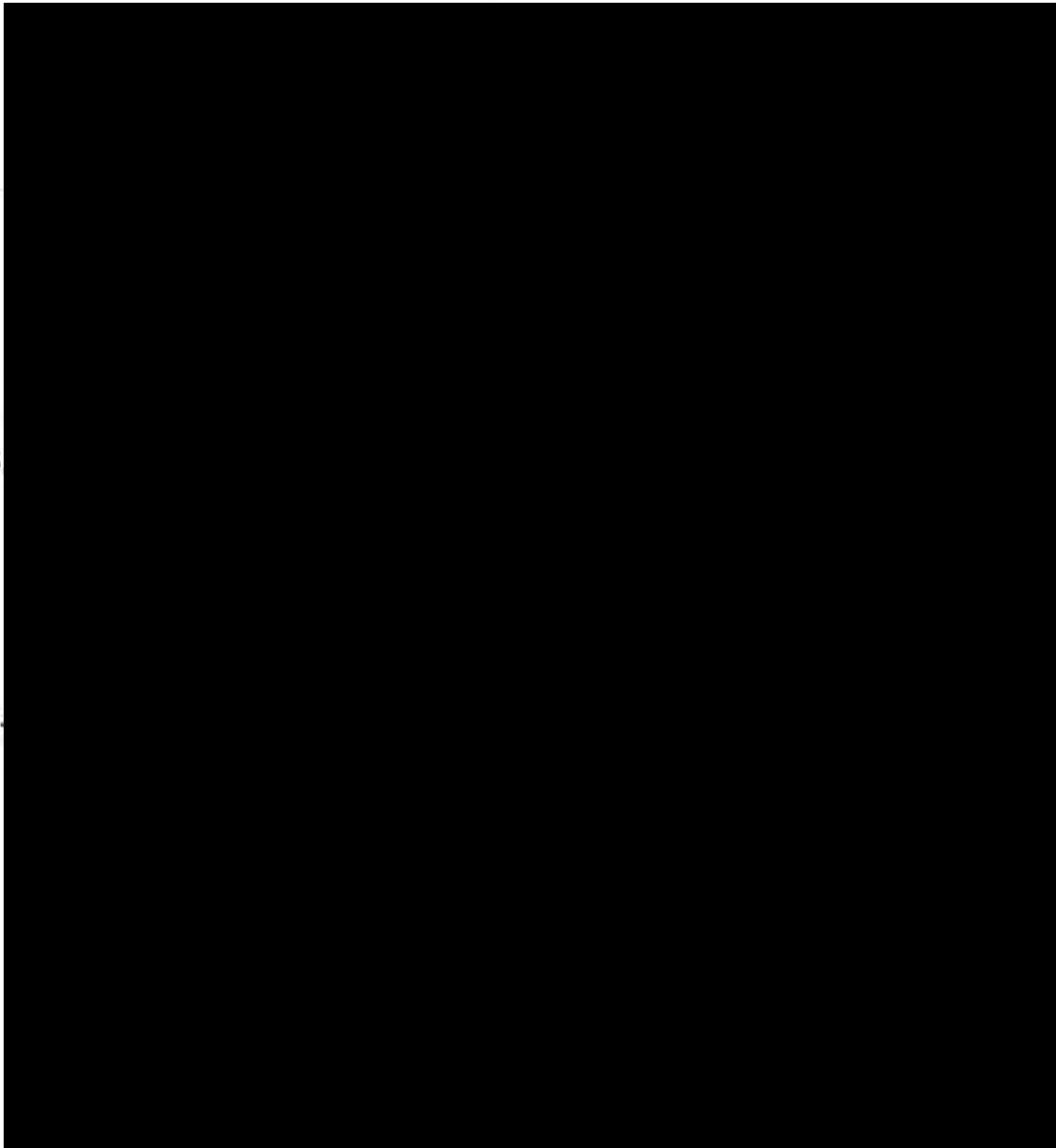


Testatrix

A handwritten signature in cursive script, appearing to read "M. J. [unclear]", is written below the "Testatrix" label.

A handwritten signature in cursive script, appearing to read "J. [unclear]", is written above the "Witnesses" label.

Witnesses



55

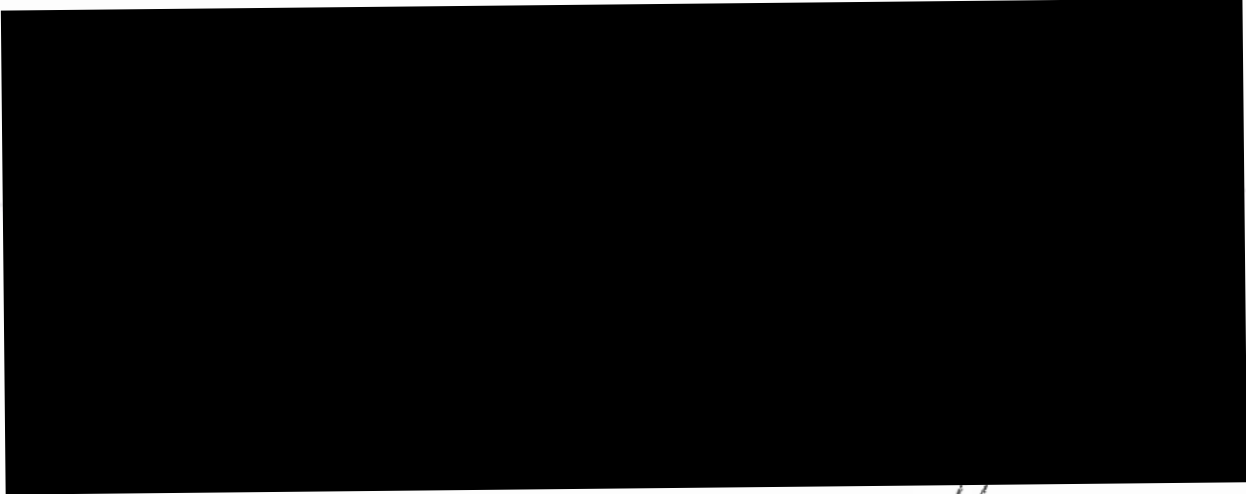
56

Testatrix

A handwritten signature in cursive script, appearing to read "M. J. [unclear]", is written below the "Testatrix" label.

A handwritten signature in cursive script, appearing to read "W. J. [unclear]", is written above the "Witnesses" label.

Witnesses

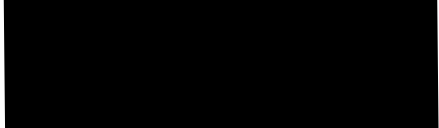


Witness: *[Handwritten Signature]*

Address: 

Occupation: 
SOLICITOR

Witness: *[Handwritten Signature]*

Address: 

Occupation: 

DATED THIS 30th DAY OF
August 2019

THE LAST WILL
AND
TESTAMENT OF
MELISSA LOUISE CADDICK

[REDACTED]

CORONAVIRUS

Christmas isolation warning

Lucy Carroll, Mary Ward

Tens of thousands of people are likely to be in isolation for Christmas as Sydney's cases climb over the festive period, with a rush of people in their 40s and 50s becoming eligible for booster doses over the summer break.

NSW reported 420 new local coronavirus cases yesterday, its highest number since October 13. Eight additional locally acquired cases of the Omicron variant were announced, bringing the total number in the state to 42, while a Bondi hostel was locked down yesterday afternoon after an outbreak.

The rise in Omicron cases comes as state health authorities urge NSW residents to book booster shots. Pfizer claimed yesterday three doses of their coronavirus vaccine was able to neutralise the new Omicron variant, following results in a small laboratory study.

Data obtained by the *Herald* from the federal health department showed 222,746 people in NSW had received a booster jab by December 7. This is a significant proportion of the 232,000 who had their second shot more than six months ago. However, almost 610,000 people had their second shot five months ago, with Dr Kerry Chant urging these people to start considering a third dose and in certain circumstances getting it immediately.

The figure also includes third doses for the immunocompromised, meaning it may be an overestimate.

Earlier this week Dr Chant said ATAGI updated recommendations to give "some flexibility" for people to have their booster after five months, urging people to bring forward the shots as transmission was "predominantly occurring in vaccinated individuals".

With clusters emerging at pubs, clubs and parties, the last weeks of the year are fraught with case alert "pings" from end-of-year celebrations on the Service NSW app.

In the state's north, Mullumbimby residents shared details of positive test results in a community Facebook group, expressing frustration with the speed of contact tracing from NSW Health.

Mullumbimby High School has shut due to a cluster of cases and a number of restaurants in the



COVID-19 testing ramps up at Haberfield yesterday as NSW reported 420 new local cases. Photo: Dean Sewell

Deputy PM tests positive to COVID-19 in US

Rachel Clun, Jonathan Kearsley

Deputy Prime Minister Barnaby Joyce says he expects he will have to isolate for about 10 days and his symptoms are in the early stages, after testing positive for COVID-19 in the United States.

Australia's ambassador to the US, Arthur Sinodinos, is also in isolation after meeting Mr Joyce on his arrival in Washington, DC, on Wednesday evening.

Mr Joyce said he must have caught COVID-19 in Britain earlier in the week, as he tested positive the morning after arriving in Washington for days of high-level meetings with US counterparts.

Byron area have been listed as exposure sites, although there were only 11 new cases reported in northern NSW yesterday.

Health authorities are particularly concerned by the transmission of COVID-19 at Woody's Surf Shack nightclub in Byron Bay across four days last week, where they believe some patrons were not vaccinated.

The bulk of new cases continue



Barnaby Joyce in isolation.

"I want to be home by Christmas. I would like to be home tomorrow night, but that's not going to happen," he said. "So as soon as I can get home, the better. No one wants to spend [Christmas] away from their family."

Mr Joyce is Australia's highest-ranking politician to test positive to COVID-19 since the beginning of the pandemic.

Under Australia's current international travel rules, passengers are denied boarding if they cannot provide a negative PCR test taken 72 hours before departing for Australia.

The Nationals Party leader said there would be "no special exemptions" for him and he would remain isolated until he returned a negative test. "I'm stuck in this motel room for a while, trying to find the cricket on TV," he said.

with Latika Bourke and Broede Carmody

close contacts of a COVID-19 case must isolate for seven days, testing on days one and six, while casual contacts can exit isolation after they get a negative test result.

There appears to be a more cautious approach to identifying contacts, with large groups directed to isolate for a week even if they may not have had direct contact with a case at an event. with Sarah McPhee

Booster jabs seem to work on Omicron

Ludwig Burger, Michael Erman

Washington: BioNTech and Pfizer said yesterday (AEDT) a three-shot course of their COVID-19 vaccine was able to neutralise the new Omicron variant in a laboratory test, an early signal that booster shots could be key to protection against infection from the newly identified variant.

The German and US companies said two doses of their vaccine resulted in significantly lower neutralising antibodies but could still be protective against severe disease.

"The first line of defence, with two doses of vaccination, might be compromised and three doses of vaccination are required to restore protection," BioNTech Chief Medical Officer Ozlem Tuereci said.

The companies also said they could deliver an upgraded vaccine targeted specifically at the Omicron variant in March 2022 if needed.

In samples of blood taken about a month after the third shot the Omicron variant was neutralised about as effectively as two doses neutralised the original virus identified in China.

"The new data from Pfizer on vaccine effectiveness against Omicron is encouraging," US President Joe Biden tweeted yesterday (AEDT). "Anyone who is eligible and has not been boosted should go get a booster today."

BioNTech CEO Ugur Sahin suggested countries might consider shortening the time period between second and third doses of the vaccine to combat the new variant.

He cited recent moves by countries including Britain to bring the third shot forward to three months after the second shot, from six months previously.

"We believe this is the right way to go particularly if the Omicron is now spreading further, to enable a better level of protection in the winter season," Sahin said.

The World Health Organisation classified Omicron on November 26 as a "variant of concern" but said there was no evidence to support the need for new vaccines.

Nevertheless, the companies said they would continue efforts to bring an Omicron-specific COVID-19 vaccine to market. Reuters

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NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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



We, Bruce Gleeson & Daniel Robert Soire of Jones Partners Insolvency & Restructuring were appointed Receivers of the Property of Melissa Louise Caddick pursuant to Orders of the Federal Court of Australia on 22 November 2021 on a final basis.

Pursuant to such Orders, it is our intention to realise all "property of Ms Melissa Louise Caddick. Should you believe you have an interest in such property or are affected by us taking possession of and/or realising any such property, you are required to advise us within 15 business days of this Notice and specify the basis of such objection and provide documentary evidence in support. Please urgently contact Mr Martin Vu of this office on (02) 9251 5122 or via email maliver@jonespartners.net.au if you require further details or clarification.

** means property as defined in s9 of the Corporations Act 2001

Jabs for children from January

From Page 1

symptoms but some can be sick for months from coronavirus-related complications. Health Minister Greg Hunt said vaccinating young children protected them and helped prevent them from passing on the virus to their younger siblings or grandparents.

"We encourage all parents to vaccinate their children against COVID-19," he said.

Bookings for children can be made from late December and vaccinations will be available through GPs, Aboriginal health services, pharmacies and state and territory clinics, and providers will be able to order doses in coming weeks.

The federal government said it was up to states and territories whether to run school-based immunisation programs.

ATAGI's recommendation followed the

Therapeutic Goods Administration's approval of the Pfizer vaccine for five- to 11-year-olds at the weekend. The TGA and ATAGI are still examining Moderna's application for its vaccine to be used in children aged six to 11.

"Vaccinating our kids is the next step in our national plan, which has continually provided us with a safe, step-by-step pathway to keeping Australians safe," Mr Morrison said.

That plan will be re-examined by the country's leaders today, after Queensland and the Northern Territory passed the 80 per cent full vaccination mark yesterday.

The international border was due to reopen to certain visa holders on December 1 but that was delayed after Omicron was labelled a "variant of concern" by the World Health Organisation.

Hybrids step up to bridge power gap

Standalone systems drive a boom industry

ADRIAN LOWE

The push to green energy has led to a massive expansion for Perth-based Hybrid Systems Australia, which has just moved into a new operations hub more than five times the size of its previous site.

The workforce has grown from 30 about a year ago to 130, and already the new site is close to capacity. Hybrid Systems specialises in design, installation and construction of energy systems, including hydrogen, solar, battery and wind.

"Because it's emerging technology, that in the last two years has happened so rapidly, we've had to grow with it rather than be prepared for it," said executive director Mike Hall, pictured, right, with managing director Aaron Hodges.

Work from Western Power, for standalone power systems, as well as other government agencies and companies working to meet environmental, social and governance requirements had all added up to a surge in demand, he said. Other customers include Fortescue Metals Group, for batteries.

Standalone power systems are mobile and designed by Hybrid as an alternative to the main power grid, using a combination of solar charge, batteries and inverters. Western Power supplies units to regional and remote customers to improve the reliability and quality of

their power supply. The new 16,000qm facility, in Perth Airport's industrial precinct, opens on Friday. Hybrid has signed a long-term lease in part to meet an expected increase in supply of standalone systems.

Once a final round of testing is done at its previous Kewdale site, staff from five locations across Perth will be brought together in one location.

Having grown from just two staff about six years ago, and then four employees in mid-2018, the company was acquired by Pacific Energy in April last year with 30 staff. More team members are likely.

"Hydrogen is probably one of the key buzzwords at the moment ... so we're learning and taking that technology as we go to make it more efficient to offer that as a product suite, alongside our other ones," Mr Hall said.

Western Power's experience with standalone systems had shown other States what was possible, he said, and demand from the rest of the country was growing as legislation changed.

"WA's the most progressive in early adoption of technology because the remote regions rely heavily on diesel power generation," Mr Hall said.

"For the nation to move towards net zero, all these little areas need that support and focus. It's not just big solar farms and wind farms — that won't fix those problems."



WA's the most progressive in early adoption of technology.

Hybrid Systems' MIKE HALL

Picture: Simon Santi

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AIRLINES EYE BIG REBOUND

The airline industry is set to grow by almost 50 per cent next year, according to London-based global aviation analytics firm Cirium.

In its second annual Airline Insights Review, it said the steep increase in 2022 indicated capacity could return to 2015 levels by the end of next year.

Cirium said the pandemic had last year wiped out 15 years of growth in global passenger capacity in a matter of months, reducing 2020 capacity flow to levels not seen since 2005. Regions with strong domestic markets had shown accelerated recovery this year.

In Australia, Qantas and Virgin are expected to have most staff back by the end of this month as well as most of their domestic fleets.

New investor team gives \$100k to local startups

A new angel investment group made up of 10 local supporters of WA's startup sector have invested \$100,000 in three Perth-based startups.

Announced at West Tech Fest on Wednesday, the West Tech Investor Network gave \$50,000 to research tracking platform Grow Impact, \$25,000 to end-of-life planning business Anticipate Life, and \$25,000 to automotive startup Tactest.

The investment group was formed earlier this year, with each member contributing \$10,000.

Almost 40 startups put themselves forward for investment. One of the group's investors, Rob Nathan, said the decision "came down to which three companies we felt we could collectively help".

Mr Nathan — who has 25 separate investments in local startups — said some of the businesses that submitted entries were already "well on their way", but investment of \$25,000 or \$50,000 would not add much value to their company.

"We decided on the three, where we thought the money could go the furthest, and where also we could chip in and help with advice and our own networks, over time," he said in a statement.

Grow Impact executive director Nick Saunders said the business would put the \$50,000 investment towards developing its software, which allows researchers to track their progress and provide transparency to stakeholders.

EXHIBIT NOTE BG - 4

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "**BG -4**" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
LEVEL 4, 20 HUNTER STREET
SYDNEY NSW 2000

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:01 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

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Supervisor



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Vanessa Duckworth

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:07 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Creditors / Investors dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

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Kind regards,

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:09 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

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Kind regards,

Vanessa Duckworth
Supervisor



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:10 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:11 PM
To: [REDACTED]
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Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:12 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:13 PM
To: [REDACTED]
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Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] rd - Notice of Intention to Realise.pdf

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:14 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:15 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

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From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:16 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

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Ryan Grant

From: Vanessa Duckworth
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Ryan Grant

From: Vanessa Duckworth
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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:18 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf
Importance: High

Dear [REDACTED]

Please find attached Circular to Creditors / Investors dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:19 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

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Vanessa Duckworth

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:20 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:22 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:23 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:24 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:25 PM
To: [REDACTED] m
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf
Importance: High

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:26 PM
To: [REDACTED]
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Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] t - Notice of Intention to Realise.pdf

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We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:28 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:30 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Importance: High

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Ryan Grant

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Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf
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Cc: Bruce Gleeson; Daniel Soire; Martin Vu
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Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf
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EXHIBIT NOTE BG - 5

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -5" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
LEVEL 4, 20 HUNTER ST
SYDNEY NSW 2000

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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light at the end of the tunnel

www.jonespartners.net.au

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	[REDACTED]
Login Username:	[REDACTED]
Login Password:	[REDACTED]

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:

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

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- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	[REDACTED]
Login Username:	[REDACTED]
Login Password:	[REDACTED]

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large, stylized 'G' and 'L'.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large, stylized 'S' and 'I'.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large, stylized 'G'.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large, stylized 'S'.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

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www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL
LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918
AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE
CADDICK

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a stylized, overlapping loop structure.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a long, sweeping horizontal stroke and a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large, stylized 'G'.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large, stylized 'S'.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



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

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:

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

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light at the end of the tunnel

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- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL
LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918
AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE
CADDICK

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	[REDACTED]
Login Username:	[REDACTED]
Login Password:	[REDACTED]

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

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www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED].
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



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

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
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 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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light at the end of the tunnel

www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

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www.jonespartners.net.au

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



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

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'BG' with a large loop and a trailing flourish.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'DR Soire' with a large loop and a trailing flourish.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

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

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

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a stylized, overlapping loop structure.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a long, sweeping horizontal stroke and a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	
Login Username:	
Login Password:	

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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

EXHIBIT NOTE BG - 6

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -6" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST.
SYDNEY NSW 2000

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:01 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:02 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:03 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:03 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:04 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:04 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:05 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:05 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:06 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:06 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:07 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:09 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:10 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:10 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:10 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:11 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:12 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:12 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:13 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:13 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:14 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:15 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:15 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:16 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:16 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:17 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:17 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:18 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:18 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:19 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:19 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:20 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:20 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:20 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:21 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:21 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:22 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:22 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:23 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:24 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:24 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:25 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:26 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:27 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:27 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:27 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:28 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:29 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:29 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:30 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:31 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:31 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:32 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:32 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:33 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:34 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

EXHIBIT NOTE BG - 7

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -7" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

EXHIBIT NOTE BG - 7

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -7" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000



**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We [Redacted]
of [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted]
Name: [Redacted]
Date 29/11/2021

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

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light at the end of the tunnel

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



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Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We [Redacted]
of [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted]
Name: [Redacted]
Date 30 NOVEMBER 2021

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

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RECEIVED
 DATE 15/12/21 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We [Redacted]
 of..... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted]
 Name: [Redacted]
 Date 07-12-21

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

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 Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

Annexure “

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We .

of...

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

30/11/21



Jones Partners
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 Chartered Accountants

RECEIVED
 DATE 7/12/2021 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We [Redacted]
 of [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted] _____
 Name: [Redacted] _____
 Date 2.12.2021 _____

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

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 Senior Consultant **AG Topp** B.Bus, CA

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

11/12/21

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

11/12/21



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We [Redacted]
of..... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted]
Name: [Redacted]
Date 05/12/2021

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

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Senior Consultant **AG Topp** B.Bus, CA

Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property

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

I/We 
of 

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed 
Name: 

Date 4th Dec 2021



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of...

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

30th November 2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
 Brisbane Tel 02 9894 9966 | Perth Tel 02 4647 7468 | Melbourne Tel 02 8236 2790

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Partners: MG Jones BA, FCA B Gleeson B.Comm, FCA, RITF DR Soire B.Comm, CA MD Vu B.Comm, CA
AG Topp B.Bus, CA



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Chartered Accountants

Annexure "B"

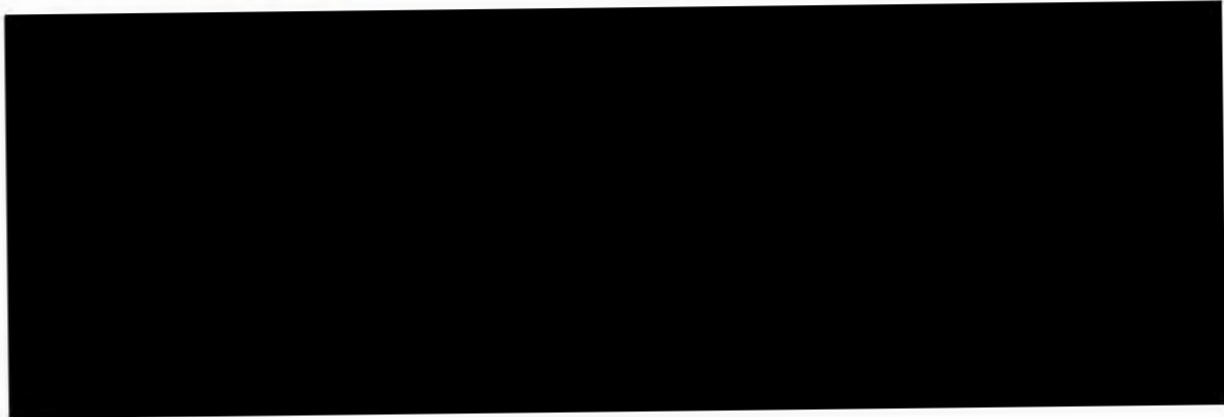
**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date 1.12.21



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

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Principals MG Jones BA, FCA B Gleeson B.Comm, FCA, RIFF DR Soire B.Comm, CA MD Vu B.Comm, CA
Senior Consultant AG Topp B.Bus, CA

Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Saturday, 4 December 2021 2:43 PM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: 29/11/2021 6:08 PM

was read on 4/12/2021 2:41 PM.



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Chartered Accountants

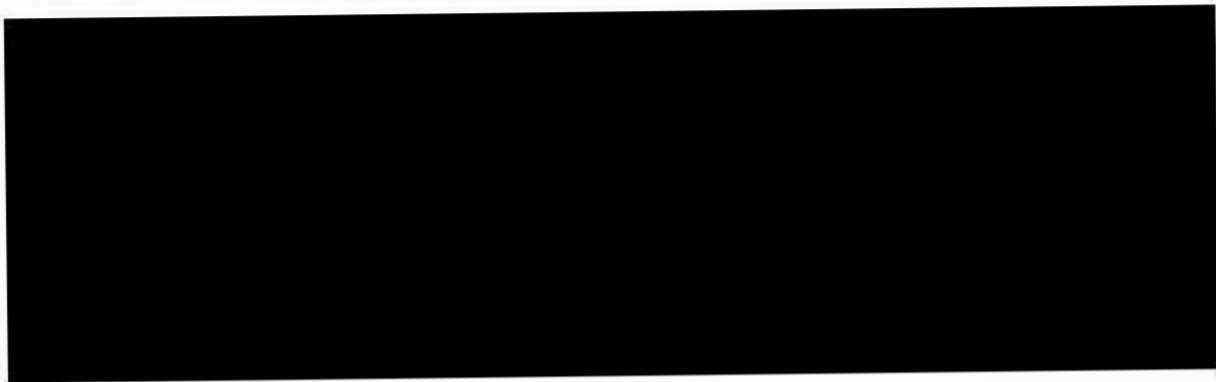
**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date 1.12.21



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

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Senior Consultant AG Topp B.Bus, CA



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 Insolvency & Restructuring
 Chartered Accountants

RECEIVED
 DATE 7/12/2021 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We [Redacted]
 of..... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted]
 Name: [Redacted]
 Date 3/12/2021

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

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 Senior Consultant **AG Topp** B. Bus, CA



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 Chartered Accountants

RECEIVED
 DATE 7/12/2021 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We ... [Redacted]
 of... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
 Name: _____
 Date 3/12/2021

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

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 Senior Consultant **AG Topp** B.Bus, CA



**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We [REDACTED]
of..... [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [REDACTED]
Name: [REDACTED]
Date 3/12/2021



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 Insolvency & Restructuring
 Chartered Accountants

RECEIVED
 DATE 3/12/21 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We _____
 of... _____

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
 Name: _____
 Date 5-12-21

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

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

Vanessa Duckworth

From: [REDACTED]
Sent: Monday, 6 December 2021 9:58 AM
To: Vanessa Duckworth
Subject: Re: The Property of Melissa Louise Caddick (Receivers Appointed)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Wed, 1 Dec 2021 at 13:45, Vanessa Duckworth <vduckworth@jonespartners.net.au> wrote:

Dear Sir/Madam,

Further to the letter and Notice issued by our office on Monday 29 November 2021 regarding the above matter, please find attached a copy of the Orders made by the Honourable Justice Markovic on 22 November 2021.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Vanessa Duckworth
Supervisor



"Light at the end of the tunnel"

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



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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

1/We

of....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name

Date

3/12/21

3/12/21

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

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Senior Consultant **AG Topp** B.Bus, CA



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Insolvency & Restructuring
Chartered Accountants

Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property

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

I/We

of

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name

Date 30 November 2021

Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:08 PM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To [REDACTED]
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: Monday, November 29, 2021 2:15:42 PM (UTC+07:00) Bangkok, Hanoi, Jakarta

was read on Monday, November 29, 2021 3:07:51 PM (UTC+07:00) Bangkok, Hanoi, Jakarta.



Jones Partners
Insolvency & Restructuring
Chartered Accountants

RECEIVED
DATE 8/12/21 BY PE

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date 5-12-21

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

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Senior Consultant **AG Topp** B.Bus, CA



**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We 

of 

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed 

Name:

Date 30.11.21

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA



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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We ... [Redacted]
of..... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted] _____
Name: [Redacted] _____
Date _____

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

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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

We [REDACTED]
of..... [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [REDACTED] _____
Name: [REDACTED] _____
Date 30/11/21

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

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Senior Consultant **AG Topp** B.Bus, CA



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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Brien Gleeson & Daniel Robert Soire in their capacity as Joint and Se

Signed _____
Name: _____
Date 05.03.2021

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

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Senior Consultant **AG Topp** B.Bus, CA



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RECEIVED	
DATE 7/12/2021	BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We [REDACTED]
 of... [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [REDACTED] _____
 Name: [REDACTED] _____
 Date 2.12.2021 _____

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

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 Senior Consultant **AG Topp** B.Bus, CA

Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:08 PM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To: [REDACTED]
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: Monday, November 29, 2021 2:19:11 PM (UTC+07:00) Bangkok, Hanoi, Jakarta

was read on Monday, November 29, 2021 3:07:52 PM (UTC+07:00) Bangkok, Hanoi, Jakarta.



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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of...

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

[Redacted signature area]

2 December 2021

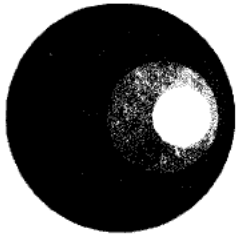
Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

2 December 2021

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Senior Consultant **AG Topp** B.Bus, CA

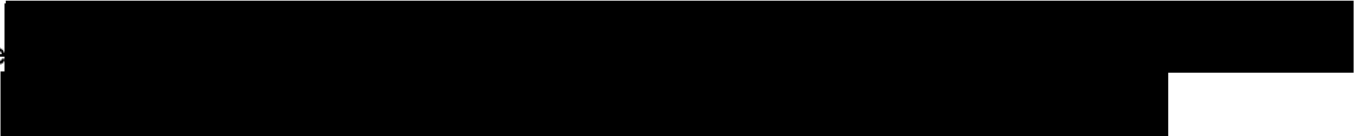


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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

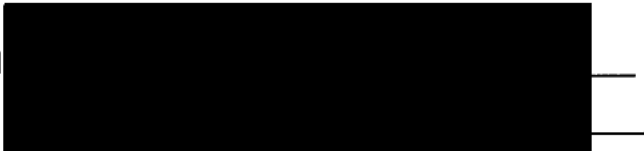
Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of...



confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed



Name:

Date 2 December 2021

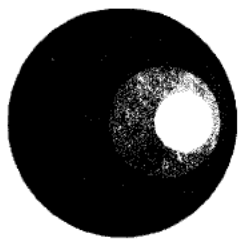
Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of...

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date 2 December 2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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RECEIVED	
DATE 16/12/21	BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

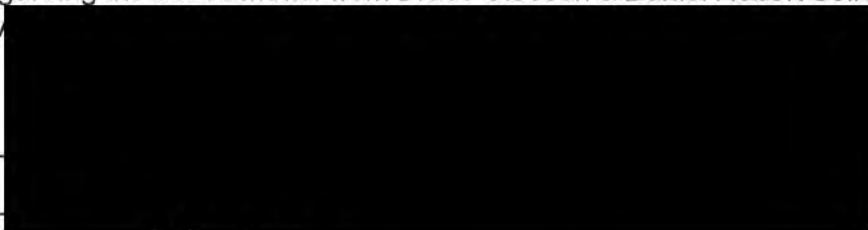
Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We

of...



confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Sev



Signed

Name:

Date

9/12/2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We [REDACTED]

of..... [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [REDACTED]

Name: [REDACTED]

Date

6/12/2021.

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

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RECEIVED
 DATE 19/12/21 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We ...

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

[Redacted signature area]

[Redacted name area]

[Redacted signature area]

29.11.21 *[Signature]*

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

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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

[Redacted]

of.....

[Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

[Redacted signature area]

Name

Date

2 DECEMBER 2021

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

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Senior Consultant **AG Topp** B.Bus, CA





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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We 
of... 

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signature  _____
Name  _____
Date 30/11/2021

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers

Signed _____
Name: _____
Date 29/11/2021

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We [redacted]
of..... [redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [redacted] _____
Name: [redacted] _____
Date 5 December 2021 _____

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

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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of...

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date

1/12/21

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

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RECEIVED
 DATE 14/12/21 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We [REDACTED]
 of... [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signature [REDACTED]
 Name [REDACTED]
 Date 29.11.21

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

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 Senior Consultant **AG Topp** B.Bus, CA



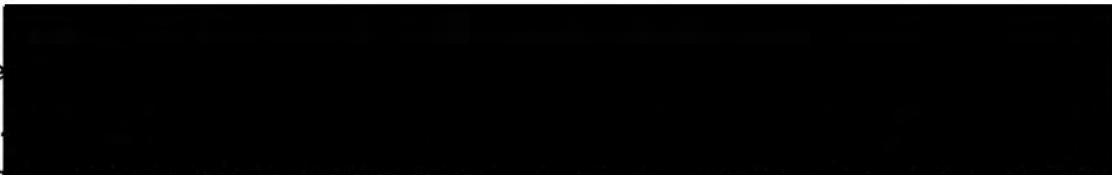
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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of...



confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers

Signed _____

Name: _____

Date _____



29/11/21.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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RECEIVED
 DATE 16/12/21 BY PE

Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We [Redacted]
 of..... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted] _____
 Name [Redacted] _____
 Date 9/12/2021

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RECEIVED
 DATE 16/12/21 BY PE

Annexure "B"

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 to Realise the Receivership Property**

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

I/We [Redacted] ...
 of [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted] _____
 Name: [Redacted] _____
 Date 9/12/2021

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

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light at the end of the tunnel www.jonespartners.net.au

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



RECEIVED
 DATE 9/12/21 BY PE

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

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

I/We
 of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
 Name: _____
 Date 9/12/2021



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/W [Redacted]
of... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted] _____
Name: [Redacted] _____
Date 5 December 2021 _____

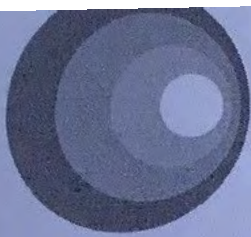
Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

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light at the end of the tunnel

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We ..
of.....

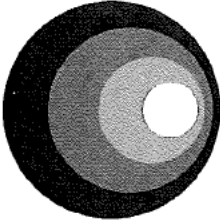


confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed
Name:



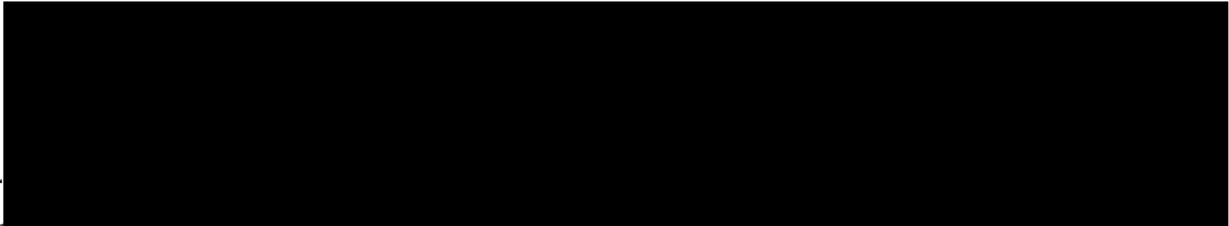
Date 30 NOVEMBER 2021



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

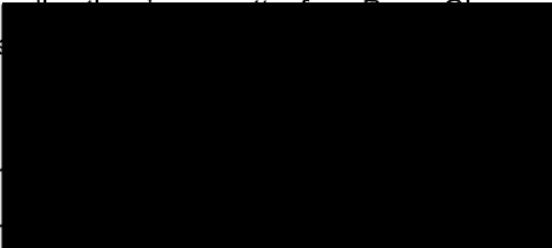
Re: The Property of Melissa Louise Caddick (Receivers Appointed)



I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 registered with the NSW Registrar of Companies & Daniel Robert Soire in their capacity as Joint and Several Receivers of the Property of Melissa Louise Caddick.



Signed _____

Name: _____

Date 12/12/21

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

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light at the end of the tunnel www.jonespartners.net.au

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

EXHIBIT NOTE BG - 8

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -8" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:33 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf

Dear [REDACTED]

We note that you have previously advised that you act for [REDACTED] regarding the above matter.

On that score, please find attached Notice(s) of Intention to Realise the Receivership Property that has been issued to your clients via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:47 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf

Dear [REDACTED]

We note that you have previously advised that you act for the following persons/entities regarding the above matter:

[REDACTED]

On that score, please find attached Notices of Intention to Realise the Receivership Property that has been issued to your clients via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:35 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Dear Sir,

We note that you have previously advised that you act for [REDACTED] regarding the above matter.

On that score, please find attached Notice of Intention to Realise the Receivership Property that has been issued to your client via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:42 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf; 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Dear [REDACTED]

We note that you have previously advised that you act for [REDACTED] regarding the above matter.

On that score, please find attached Notice(s) of Intention to Realise the Receivership Property that has been issued to your clients via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:49 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf

Dear [REDACTED]

We note that you have previously advised that you act for [REDACTED] regarding the above matter.

On that score, please find attached Notice of Intention to Realise the Receivership Property that has been issued to your client via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

EXHIBIT NOTE BG - 9

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -9" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:33 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:48 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:35 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:42 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

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

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:49 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

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

EXHIBIT NOTE BG - 10

COURT DETAILS

Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -10" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Vanessa Duckworth

From: [REDACTED]
Sent: Tuesday, 30 November 2021 8:37 AM
To: Vanessa Duckworth
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: RE: The Property of Melissa Louise Caddick (Receivers Appointed)

Vanessa

I confirm receipt of your email and the attached documents.

[REDACTED]

[REDACTED]

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From: Vanessa Duckworth <vduckworth@jonespartners.net.au>
Sent: Monday, 29 November 2021 7:33 PM
To: [REDACTED]
Cc: Bruce Gleeson <bgleeson@jonespartners.net.au>; Daniel Soire <dsoire@jonespartners.net.au>; Martin Vu <MVu@jonespartners.net.au>
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Dear Stephen,

We note that you have previously advised that you act for [REDACTED]
[REDACTED] regarding the above matter.

On that score, please find attached Notice(s) of Intention to Realise the Receivership Property that has been issued to your clients via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Monday, 29 November 2021 8:03 PM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To [REDACTED]
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: Monday, November 29, 2021 6:34:32 PM (UTC+10:00) Brisbane

was read on Monday, November 29, 2021 7:02:36 PM (UTC+10:00) Brisbane.

Vanessa Duckworth

From: [REDACTED]
Sent: Tuesday, 30 November 2021 5:27 PM
To: Vanessa Duckworth [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: RE: The Property of Melissa Louise Caddick (Receivers Appointed)

Dear Vanessa,

We confirm receipt of your email **below**.

We advise that we no longer act for [REDACTED] regarding the above matter.

We will provide the Notices to [REDACTED]

If you wish to discuss this matter further, please do not hesitate to contact us.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Vanessa Duckworth <vduckworth@jonespartners.net.au>
Sent: Monday, 29 November 2021 7:42 PM
To: [REDACTED]
Cc: Bruce Gleeson <bgleeson@jonespartners.net.au>; Daniel Soire <dsoire@jonespartners.net.au>; Martin Vu <MVu@jonespartners.net.au>
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Dear [REDACTED]

We note that you have previously advised that you act for [REDACTED]
[REDACTED] regarding the above matter.

On that score, please find attached Notice(s) of Intention to Realise the Receivership Property that has been issued to your clients via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Vanessa Duckworth

From: [REDACTED]
Sent: Tuesday, 30 November 2021 8:58 AM
To: Vanessa Duckworth
Subject: RE: The Property of Melissa Louise Caddick (Receivers Appointed)

Thank you Vanessa - received

[REDACTED]

From: Vanessa Duckworth <vduckworth@jonespartners.net.au>
Sent: Monday, 29 November 2021 7:49 PM
To: [REDACTED]
Cc: Bruce Gleeson <bgleeson@jonespartners.net.au>; Daniel Soire <dsoire@jonespartners.net.au>; Martin Vu <MVu@jonespartners.net.au>
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Dear [REDACTED]

We note that you have previously advised that you act for [REDACTED] regarding the above matter.

On that score, please find attached Notice of Intention to Realise the Receivership Property that has been issued to your client via email and express post. It would be appreciated if you could confirm receipt of this email.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Vanessa Duckworth
Supervisor



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



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EXHIBIT NOTE BG - 11

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -11" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:09 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Liability limited by a scheme approved under Professional Standards Legislation.

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:10 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Liability limited by a scheme approved under Professional Standards Legislation.

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:11 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Liability limited by a scheme approved under Professional Standards Legislation.

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:11 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Liability limited by a scheme approved under Professional Standards Legislation.

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:11 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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



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Ryan Grant

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Sent: Monday, 29 November 2021 7:12 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
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Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

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Ryan Grant

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Sent: Monday, 29 November 2021 7:16 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf

Importance: High

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EXHIBIT NOTE BG - 12

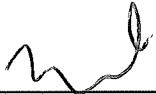
COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -12" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 11 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

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light at the end of the tunnel

www.jonespartners.net.au

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 November Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

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light at the end of the tunnel

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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

light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
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 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
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confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
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Date _____

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Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 November Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
 2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
 3. All personal effects including paintings and jewellery of Melissa Louise Caddick
- You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the

basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'BG' with a large loop and a trailing flourish.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'DRS' with a large loop and a trailing flourish.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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

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

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

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

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

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

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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

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light at the end of the tunnel

www.jonespartners.net.au

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



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

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

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

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

Yours faithfully

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



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

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

EXHIBIT NOTE BG - 13

COURT DETAILS

Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -13" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HUNTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:09 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:10 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:11 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:11 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:11 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:12 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:12 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:13 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:13 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:13 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:14 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:15 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:15 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:15 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:16 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

EXHIBIT NOTE BG - 14

COURT DETAILS

Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -14" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

EXHIBIT NOTE BG - 14

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -14" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Vanessa Duckworth

From: [REDACTED]
Sent: Monday, 6 December 2021 9:58 AM
To: Vanessa Duckworth
Subject: Re: The Property of Melissa Louise Caddick (Receivers Appointed)

[REDACTED]

Thank you for the notification regarding the court orders in the Melissa Caddick case, as received by email and Australia Post at my home address.

[REDACTED]

With kind regards

[REDACTED]

[REDACTED]

On Wed, 1 Dec 2021 at 13:45, Vanessa Duckworth <vduckworth@jonespartners.net.au> wrote:

Dear Sir/Madam,

Further to the letter and Notice issued by our office on Monday 29 November 2021 regarding the above matter, please find attached a copy of the Orders made by the Honourable Justice Markovic on 22 November 2021.

If you have any questions, please do not hesitate to contact us.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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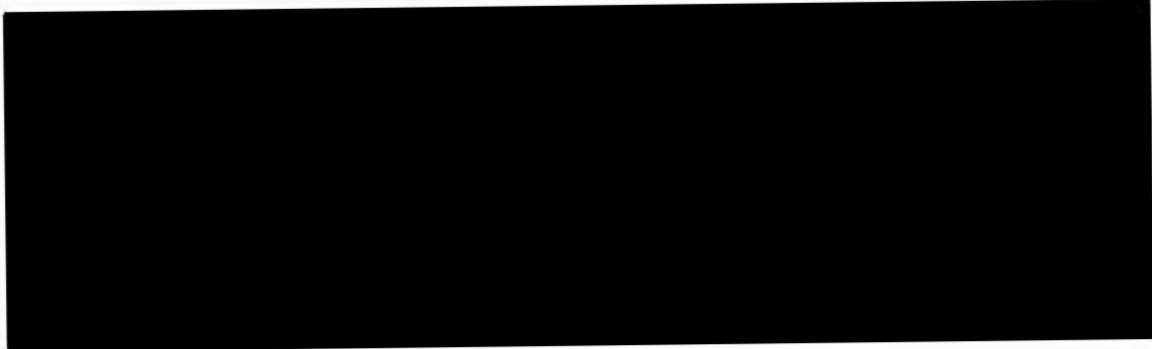
**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date 12.21



Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals MG Jones BA, FCA B Gleeson B.Comm, FCA, RIFF DR Soire B.Comm, CA MD Vu B.Comm, CA
Senior Consultant AG Topp B.Bus, CA



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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We [Redacted]
of [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted] _____
Name: [Redacted] _____
Date 01/12/2021 _____

Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

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Senior Consultant **AG Topp** B.Bus, CA

Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:47 PM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To: [REDACTED]
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: Monday, November 29, 2021 8:12:15 AM (UTC+00:00) Monrovia, Reykjavik

was read on Monday, November 29, 2021 8:46:44 AM (UTC+00:00) Monrovia, Reykjavik.

Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Wednesday, 1 December 2021 11:48 AM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To: [REDACTED]
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: Monday, November 29, 2021 6:12:40 PM (UTC+10:00) Brisbane

was read on Wednesday, December 1, 2021 10:47:41 AM (UTC+10:00) Brisbane.

Vanessa Duckworth

From: [REDACTED]
Sent: Tuesday, 30 November 2021 2:55 PM
To: Vanessa Duckworth
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: Re: The Property of Melissa Louise Caddick (Receivers Appointed)

Vanessa
Thank you for the update.

[REDACTED]
Many thanks
[REDACTED]

Sent from my iPhone

On 29 Nov 2021, at 6:22 pm, Vanessa Duckworth <vduckworth@jonespartners.net.au> wrote:

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor

<Logo-
LowRes2_b0b6a114-5a8a-4e33-a297-29cee60ef015.png>
Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au

<2021 sh winner lba d5804cef-4751-45e8-9152-f51fe2dba402.jpg>

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<211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf>



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Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 registered on & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date 05.03.2021

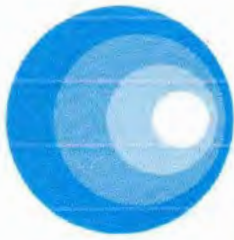
Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We ... [Redacted]
of..... [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____ [Redacted] _____
Name: _____ [Redacted] _____
Date _____ 1/12/21 _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

EXHIBIT NOTE BG - 15


COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -15" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Name [REDACTED]
ABN [REDACTED]

Secure mail

[View message](#)

To: [REDACTED]

Sent date

29/11/2021

Subject

Insolvency: Receiver/Manager Appointed

Status

Sent

Receipt number**Message**

Dear Sir/Madam, Re: The Property of Melissa Louise Caddick Please find attached Circular to Creditors / Investors dated 29 November 2021 regarding the above matter for your attention. To confirm receipt, we request that Annexure B is completed and returned to us. Kind regards,

Attachments

211129 Letter [REDACTED] - Notice of Intention to Realise Property.pdf

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:58 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:29 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise.pdf

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:20 PM
To: Bruce Gleeson; Daniel Soire
Cc: Martin Vu; Rob Hobart
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Notice to Parties - Maliver Pty Ltd.pdf

Dear Sirs,

Please find attached notice dated 29 November 2021 regarding the above matter.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
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Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 22 December 2021 1:18 PM
To: [REDACTED]
Cc: Bruce Gleeson; Martin Vu; Daniel Soire; Vanessa Duckworth; Kyna Messias
Subject: 20211222 Email to [REDACTED] Re: NSD 1220/ 2020 - Australian Securities and Investments Commission vs Caddick [SWA-AB.FID348319]
Attachments: 211222 Notice of Intention to Realise Receivership Property [REDACTED].pdf

Dear [REDACTED]

We attach by way of service the Notice of Intention to Realise Receivership Property executed by our clients pursuant to the Orders made by her Honour Justice Markovic on 24 November 2021. If you have any queries please contact us.

We wish to forward a Notice in similar terms to [REDACTED]. If possible, are you able to give us the contact details of [REDACTED].

Thank you for your assistance. Obviously if you need some additional time over the Christmas Period to reply to the Notice (if you think you really need to do so) then let us know.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | Profile | vCard



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Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au>
Sent: Thursday, 23 December 2021 2:47 PM
To: Bruce Gleeson; Martin Vu; Daniel Soire; Vanessa Duckworth
Cc: Michael Hayter
Subject: FW: 20211223 Notice to [REDACTED] NSD 1220/ 2020 - Australian Securities and Investments Commission vs Caddick [SWA-AB.FID348319]
Attachments: 20211223 - Notice to Australian Federal Police re Melissa Louise Caddick.pdf; Notice to the Australian Federal Police regarding Intention to Realise Receivership Property.PDF

Dear Bruce, Martin, Daniel and Vanessa,

Please see below and attached Notice sent.

Kind regards,

Kyna Messias

Legal Secretary - Litigation

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

ksm@swaab.com.au | www.swaab.com.au

From: Kyna Messias **On Behalf Of** Michael Hayter

Sent: Thursday, 23 December 2021 2:46 PM

To: [REDACTED]

Cc: [REDACTED]
Kyna Messias <ksm@swaab.com.au>; Suzi Stojanovski <sxs@swaab.com.au>

Subject: 20211223 Notice to [REDACTED] NSD 1220/ 2020 - Australian Securities and Investments Commission vs Caddick [SWA-AB.FID348319]

Dear [REDACTED]

Please see attached correspondence and Notice of Intention to Realise Receivership Property.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | Profile | vCard



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EXHIBIT NOTE BG - 16

COURT DETAILS

Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -16" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED]
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

Creditors Portal Web Address:	[REDACTED]
Login Username:	[REDACTED]
Login Password:	[REDACTED]

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 (“15 December Orders”) pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 (“22 November Orders”), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd (“the Company”). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission (“ASIC”) which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 (“the Act”) in that they carried on a financial services business without holding an Australian Financial Services Licence (“AFSL”).
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976 (Cth)*, until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 November Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you previously transacted with Ms Caddick / the Company.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

**Maliver Pty Ltd (In Liquidation)
c/- Jones Partners, Level 13, 189 Kent Street
SYDNEY NSW 2000**

Via email only: bgleeson@jonespartners.net.au; dsoire@jonespartners.net.au

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court proceedings No NSD 1220 of 2020

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
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 - (b) seek directions from the Court in relation to their intention to do so.

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick). This includes all assets, books and records described in the attached Schedule marked as **Annexure "A"**.

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick;
3. All personal effects including paintings and jewellery of Melissa Louise Caddick; and

4. All assets, books and records described in the attached Schedule marked as **Annexure "A"**.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

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Dated 22nd of December 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver

Search Warrant Exhibit List									
Consignment ID	Parent	Hierarchy	Container ID	Container Type	Container Name	Exhibit	Ringtail Level	Shelf Location	Category
S0217770	S02287359	Primary	S02287359	Plastic Bag	Item No: 001. AFP Seal No: 427320. Containing one (1) Cartier Box and necklace.	Item 001	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287360	Primary	S02287360	Plastic Bag	Item 002 AFP Seal No 427321 containing Louis Vuitton box and necklace.	Item 002	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287363	Primary	S02287363	Plastic Bag	Item No: 003. AFP Seal No: 427323.	Item 003	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287364	Primary	S02287364	Plastic Bag	Item No: 004. AFP Seal No: 427324. Containing one (1) Canturi box containing one (1) necklace.	Item 004	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287365	Primary	S02287365	Plastic Bag	Item No 005 AFP Seal No 427325 containing jewellery box and bangles.	Item 005	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287366	Primary	S02287366	Plastic Bag	Item No: 006. AFP Seal No: 427326. Containing one (1) Breitling box lid with black watch and silver hardware.	Item 006	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287367	Primary	S02287367	Plastic Bag	Item No: 007. AFP Seal No: 427327. Containing (one) 1 Dior Box containing one (1) watch.	Item 007	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287368	Primary	S02287368	Plastic Bag	Item No: 008. AFP Seal No: 427328. Containing jewellery box containing earrings.	Item 008	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287369	Primary	S02287369	Plastic Bag	Item no 009 AFP Seal No 427329. Containing jewellery box containing earrings.	Item 009	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287370	Primary	S02287370	Plastic Bag	Item No 010 AFP Seal No no 427330 containing one (1) Canturi box and cufflinks.	Item 010	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287371	Primary	S02287371	Plastic Bag	Item No: 011. AFP Seal No: 427331. Containing Canturi Box and cufflinks within it.	Item 011	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287372	Primary	S02287372	Plastic Bag	Item No 0012 AFP Seal No 427332 containing Canturi Box and ring labelled "ring".	Item 012	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287373	Primary	S02287373	Plastic Bag	Item Number: 013. AFP Seal No: 427333. Containing four (4) Canturi pouches with pearls, charm bracelet and earrings.	Item 013	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287374	Primary	S02287374	Plastic Bag	Item No 014 AFP Seal No 427334 containing Louis Vuitton receipt.	Item 014	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287375	Primary	S02287375	Plastic Bag	Item No 015 AFP Seal No 427335 containing one (1) navy blue Dior shorts	Item 015	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287376	Primary	S02287376	Archive Box	Item 016 - AFP Seal 427336 - containing two (2) lever arch folders	Item 016	MAL.0011	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287376			Loose Documents			MAL.0011.0000	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287376	Secondary	S02613877	Lever Arch File	Black Titled 'Canturi-Valuations - Purchase Orders		MAL.0011.0001	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287376	Secondary	S02613878	Folder	Black Titled 'M Caddick 15/9/16 Will - POA'		MAL.0011.0002	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287377	Primary	S02287377	Plastic Bag	Item No 017 AFP Seal NO 42737. Containing invoice for Stella ring, Canturi.	Item 017	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287378	Primary	S02287378	Plastic Bag	Item No: 018. AFP Seal No: 427338. Containing one (1) Canturi box containing one (1) Bracelet.	Item 018	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287379	Primary	S02287379	Plastic Bag	Item No 019 AFP Seal No 427339. Containing Louis Vuitton Wallet with cufflinks.	Item 019	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287380	Primary	S02287380	Plastic Bag	Item number 020. AFP Seal No: 427340. Containing Canturi Box and a diamond cuff within it.	Item 020	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287381	Primary	S02287381	Plastic Bag	Item No: 021. AFP Seal No: 427342. Containing Canturi Box with necklace.	Item 021	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287382	Primary	S02287382	Plastic Bag	Item Number 022 AFP Seal No 427343. Containing jewellery box with rings.	Item 022	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287383	Primary	S02287383	Plastic Bag	Item Number: 023. AFP Seal No: 427344. containing Louis Vuitton digital watch. Contains LV Eclipse monogram tag, and cord,	Item 023	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287384	Primary	S02287384	Plastic Bag	Item Number: 024. AFP Seal No: 427345. Containing Calendar in A4 Sheet.	Item 024	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287385	Primary	S02287385	Plastic Bag	Item 025 - AFP Seal ID 427346 - containing one (1) white Dior handbag	Item 025	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC

S0217770	S02287386	Primary	S02287386	Plastic Bag	Item 026 - AFP Seal 427347 - containing one (1) Chanel Purse	Item 026	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287387	Primary	S02287387	Plastic Bag	Item 027 - AFP Seal 427348 - containing one (1) Louis Vuitton wallet	Item 027	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287388	Primary	S02287388	Plastic Bag	Item 028 - AFP Seal 427349 - containing one (1) silver and orange Lacie branded hard drive	Item 028	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287388	Secondary	S02177788	Hard Drive	Orange Lacie Harddrive, Serial Number NL17JK5.				Electronic
S0217770	S02287389	Primary	S02287389	Plastic Bag	Item 029 - AFP Seal ID 427350 - containing one (1) Christian Dior perfume	Item 029	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287390	Primary	S02287390	Plastic Bag	Item 030 - AFP Seal 427351 - containing one (1) Chanel bag	Item 030	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287391	Primary	S02287391	Plastic Bag	Item No 031 AFP Seal No 427352. Containing one (1) Dior box and pendant.	Item 031	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287392	Primary	S02287392	Plastic Bag	Item 032 - AFP Seal ID 427353 - containing one (1) Dior liquid hand soap	Item 032	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287393	Primary	S02287393	Plastic Bag	Item 033 - AFP Seal ID 427354 - containing one (1) Dior bag	Item 033	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287394	Primary	S02287394	Plastic File	Item 034 - AFP Seal ID 427355 - containing one (1) Louis Vuitton bag	Item 034	N/A	SRO-S0738-DCU Level 5, Shelf S0738	POC
S0217770	S02287395	Primary	S02287395	Archive Box	Item 035 - AFP Seal 427356 - containing four (4) lever arch folders	Item 035	MAL.0012	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613879	Folder	Black Titled - Self Managed Superannuation Fund Register		MAL.0012.0001	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613880	Folder	Black Titled - Self Managed Superannuation Fund Register		MAL.0012.0002	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613881	Folder	Black Titled - Self Managed Superannuation Fund Register		MAL.0012.0003	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613882	Folder	Black - Titled - Self Managed Superannuation Fund Register		MAL.0012.0004	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287396	Primary	S02287396	Archive Box	Item 036 - AFP Seal 427357 - containing three (3) lever arch folders	Item 036	MAL.0013	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287396	Secondary	S02613883	Lever Arch File	Black Titled - Self Managed Superannuation Fund Register		MAL.0013.0001	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287396	Secondary	S02613884	Lever Arch File	Black - Bank Rec's 1 Jul -2020 -30 June 2021		MAL.0013.0002	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287396	Secondary	S02613885	Lever Arch File	Black Titled - Floor Plans/DA		MAL.0013.0003	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287397	Primary	S02287397	Archive Box	Item 037 - AFP Seal 427358 - containing four (4) lever arch folders	Item 037	MAL.0014	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613886	Folder	Blue - Titled 'Maliver Pty Limited'		MAL.0014.0001	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613887	Lever Arch File	Black Titled -CAddick Services Trust 2016 Tax/FW Stats - Maliver -Casual wages		MAL.0014.0002	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613888	Lever Arch File	Black Titled - MV Insurance 03/2016 CARS		MAL.0014.0003	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613889	Lever Arch File	Black - Titled - 'Chubb-Home-Contents-Arts-Jewels		MAL.0014.0004	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287398	Primary	S02287398	Plastic Bag	Item 038 - AFP Seal 427359	Item 038	MAL.0015	SRO-S0233-DCU Level 5, Shelf S0233	Hard Copy
S0217770	S02287399	Primary	S02287399	Archive Box	Item 039 - AFP Seal 427360 - five (5) lever arch folders	Item 039	MAL.0016	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613891	Lever Arch File			MAL.0016.0001	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613892	Lever Arch File			MAL.0016.0002	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613893	Lever Arch File			MAL.0016.0003	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613894	Lever Arch File			MAL.0016.0004	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613895	Lever Arch File			MAL.0016.0005	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287400	Primary	S02287400	Archive Box	Item 040 - AFP Seal ID 427361 - containing five (5) lever arch folders	Item 040	MAL.0017	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613896	Lever Arch File	Black.Green Titled 'CAddick Super Fund'		MAL.0017.0001	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613897	Lever Arch File			MAL.0017.0002	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613898	Lever Arch File			MAL.0017.0003	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613899	Lever Arch File			MAL.0017.0004	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613900	Lever Arch File			MAL.0017.0005	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287401	Primary	S02287401	Archive Box	Item 041 - AFP Seal 427362 - containing four (4) lever arch folders	Item 041	MAL.0018	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy

S0217770	S02287401	Secondary	S02613901	Lever Arch File	[REDACTED]		MAL.0018.0001	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287401	Secondary	S02613902	Lever Arch File	Needs to be updated.		MAL.0018.0002	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287401	Secondary	S02613903	Lever Arch File	[REDACTED]		MAL.0018.0003	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287401	Secondary	S02613904	Lever Arch File	[REDACTED]		MAL.0018.0004	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287402	Primary	S02287402	Archive Box	Item Number 042. AFP Seal No: 427363. Containing three (3) plastic files, three (3) plastic sleeves, one binder and one (1) magazine, and loose documents.	Item 042	MAL.0019	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613905	Pouch	[REDACTED]		MAL.0019.0001	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613906	Pouch	[REDACTED]		MAL.0019.0002	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613907	Pouch	[REDACTED]		MAL.0019.0003	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613908	Plastic Bag	Containing 2 plastic sleeve, bank statements spreadsheet printouts, correspondence and 2 IFA magazines		MAL.0019.0004	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287403	Primary	S02287403	Archive Box	Item Number: 043. AFP Seal No: 427364. Containing four (4) Dior hoodie style jumpers, and three (3) Dior bags.	Item 043	N/A	SRO-S0738-DCU Level 5, Shelf S0738	POC
S0217770	S02287404	Primary	S02287404	Archive Box	Item 044 - AFP Seal ID: 427365 - containing one (1) purse and two (2) Dior T-shirts and one (1) Dior Hoodie	Item 044	N/A	SRO-S0739-DCU Level 5, Shelf S0739	POC
S0217770	S02287405	Primary	S02287405	Archive Box	Item 045 - AFP Seal ID 427366 - containing files	Item 045	MAL.0020	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613909	Plastic Bag	[REDACTED]		MAL.0020.0001	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613910	Plastic Bag	[REDACTED]		MAL.0020.0002	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613911	Plastic Bag	[REDACTED]		MAL.0020.0003	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613913	Plastic Bag	[REDACTED]		MAL.0020.0004	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Tertiary	S02613912	CD	[REDACTED]		MAL.0020.0010	SRO-S0276-DCU Level 5, Shelf S0276	Electronic
S0217770	S02287405	Secondary	S02613914	Plastic Bag	[REDACTED]		MAL.0020.0005	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613915	Plastic Bag	[REDACTED]		MAL.0020.0006	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Tertiary	S02613916	Pouch	[REDACTED]		MAL.0020.0007	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613917	Plastic Bag	[REDACTED]		MAL.0020.0008	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613918	Plastic Bag	[REDACTED]		MAL.0020.0009	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287406	Primary	S02287406	Archive Box	Item 046 - AFP Seal ID 427367 - containing files	Item 046	MAL.0021	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613919	Plastic Bag	[REDACTED]		MAL.0021.0001	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613920	Plastic Bag	[REDACTED]		MAL.0021.0002	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613921	Plastic Bag	[REDACTED]		MAL.0021.0003	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613922	Plastic Bag	[REDACTED]		MAL.0021.0004	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613923	Plastic Bag	[REDACTED]		MAL.0021.0005	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613924	Plastic Bag	[REDACTED]		MAL.0021.0006	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613925	Plastic Bag	[REDACTED]		MAL.0021.0007	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613926	Plastic Bag	[REDACTED]		MAL.0021.0008	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613927	Plastic Bag	[REDACTED]		MAL.0021.0009	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613928	Plastic Bag	[REDACTED]		MAL.0021.0010	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287407	Primary	S02287407	Archive Box	Item 047 - AFP Seal 427368 - containing client files	Item 047	MAL.0022	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613929	Plastic Bag	[REDACTED]		MAL.0022.0001	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613930	Plastic Bag	[REDACTED]		MAL.0022.0002	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02485022	CD	[REDACTED]		MAL.0022.0021	SRO-S0266-DCU Level 5, Shelf S0266	Electronic
S0217770	S02287407	Secondary	S02613931	Plastic Bag	[REDACTED]		MAL.0022.0003	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613932	Plastic Bag	[REDACTED]		MAL.0022.0004	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613933	Plastic Bag	[REDACTED]		MAL.0022.0005	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613934	Plastic File	[REDACTED]		MAL.0022.0006	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613935	Plastic Bag	Containing hand written notes, Maliver documents and one divider.		MAL.0022.0007	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613936	Plastic Bag	Containing one divider.		MAL.0022.0008	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613937	Plastic Bag	Containing Financial Year of 2019-2020 of [REDACTED]		MAL.0022.0009	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613938	Plastic Bag	Containing Financial Year reports of [REDACTED] and one divider.		MAL.0022.0010	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy

S0217770	S02287407	Secondary	S02613939	Plastic Bag	Containing Financial Year Reports of ██████████ 2019-2020, and one divider.		MAL.0022.0011	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613940	Plastic Bag	Containing Financial Year Report of ██████████ statements, and one divider.		MAL.0022.0012	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613941	Plastic Bag	Containing Financial Year Report 2019-2020 ██████████		MAL.0022.0013	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613942	Plastic Bag	Containing Financial Year report 2018-2019 of ██████████ and one divider.		MAL.0022.0014	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613943	Plastic Bag	Containing Financial Year report 2019-2020 of ██████████ tax invoices and statements, and one divider.		MAL.0022.0015	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613944	Plastic Bag	Containing Financial Year 2019-2020 of ██████████ Maliver documents and one divider.		MAL.0022.0016	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613945	Plastic Bag	Containing Financial reports 2019-2020 for ██████████ hand written documents, and one divider.		MAL.0022.0017	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613946	Plastic Bag	Containing financial year reports for ██████████ and one divider.		MAL.0022.0018	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613947	Plastic Bag	Containing financial year documents. ██████████ documents, and two dividers.		MAL.0022.0019	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613948	Plastic Bag	Containing electronic lodgement declaration, Annual Accounts Booklet, and Signature Pack Booklet		MAL.0022.0020	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287408	Primary	S02287408	Plastic Bag	Item 049 - AFP Seal ID 427370 - containing two (2) Alexander Vautler dresses	Item 049	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287409	Primary	S02287409	Plastic Bag	Item 048 - AFP Seal ID: 427369 - containing four (4) lever arch folders	Item 048	MAL.0023	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613949	Lever Arch File	Black Titled ██████████		MAL.0023.0001	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613950	Lever Arch File	Black Titled ██████████		MAL.0023.0002	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613951	Lever Arch File	Black Titled ██████████		MAL.0023.0003	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613952	Lever Arch File	Blue Titled ██████████		MAL.0023.0004	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287410	Primary	S02287410	Plastic File	Item 050 - AFP Seal ID 427371 - containing one (1) Blue Bugatti Bag	Item 050	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287411	Primary	S02287411	Plastic Bag	Item 051 - AFP Seal ID 427372 - containing six (6) various bags	Item 051	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287412	Primary	S02287412	Plastic Bag	Item 052 - AFP Seal ID 427373 - containing one (1) YSL bag	Item 052	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287413	Primary	S02287413	Archive Box	Item Number: 053. AFP Seal No: 427374. Containing five (5) lever arch folders.	Item 053	MAL.0024	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613953	Lever Arch File	Black with pink lining containing client files of ██████████		MAL.0024.0001	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613954	Lever Arch File	Black with pink lining, containing client file of ██████████		MAL.0024.0002	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613955	Lever Arch File	Black, with client file ██████████		MAL.0024.0003	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613956	Lever Arch File	Navy blue, containing file of ██████████		MAL.0024.0004	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613957	Lever Arch File	Blue containing client file of ██████████		MAL.0024.0005	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287414	Primary	S02287414	Plastic Bag	Item 054 - AFP Seal ID 427375 - containing four (4) lever arch folders	Item 054	MAL.0025	SRO-S0277-DCU Level 5, Shelf S0277	Hard Copy
S0217770	S02287414	Secondary	S02613958	Lever Arch File	Black, containing Maliver client files of ██████████		MAL.0025.0001	SRO-S0277-DCU Level 5, Shelf S0278	Hard Copy
S0217770	S02287414	Secondary	S02613959	Lever Arch File	Black with green lining, containing client files of ██████████		MAL.0025.0002	SRO-S0277-DCU Level 5, Shelf S0279	Hard Copy

S0217770	S02287414	Secondary	S02613960	Lever Arch File	Black, containing client file of [REDACTED]		MAL.0025.0003	SRO-S0277-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287414	Secondary	S02613961	Lever Arch File	Black, containing client file of [REDACTED]		MAL.0025.0004	SRO-S0277-DCU Level 5, Shelf S0281	Hard Copy
S0217770	S02287415	Primary	S02287415	Plastic Bag	Item 055 - AFP Seal ID 427376 - containing Dior dress	Item 055	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287416	Primary	S02287416	Plastic Bag	Item 056 - AFP Seal ID: 427377 - containing one (1) dress	Item 056	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287417	Primary	S02287417	Plastic Bag	Item 057 - AFP Seal ID 427378 - containing one (1) dress	Item 057	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287418	Primary	S02287418	Plastic Bag	Item 058 - AFP Seal 427379 - containing one (1) dress	Item 058	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287422	Primary	S02287422	Plastic Bag	Item 059 - AFP Seal ID 427380 - containing one (1) pair of Dior shoes	Item 059	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287423	Primary	S02287423	Plastic Bag	Item 060 - AFP Seal ID: 427381 - containing one (1) pair of Black Louis Vuitton shoes	Item 060	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287424	Primary	S02287424	Plastic Bag	Item ID 062 - AFP Seal ID 427382 - containing four (4) lever arch folders	Item 062	MAL.0027	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613962	Lever Arch File	Blue, containing Maliver client details, and portfolios.		MAL.0027.0001	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613963	Lever Arch File	Navy blue, containing Maliver client files, and numbered tabs 1-7, containing letters from ATO, and documents.		MAL.0027.0002	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613964	Lever Arch File	Black with green lining containing client files of [REDACTED]		MAL.0027.0003	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613965	Lever Arch File	Black containing client files of [REDACTED]		MAL.0027.0004	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287425	Primary	S02287425	Plastic Bag	Item 061 - AFP Seal ID 427383 - containing five (5) lever arch folders	Item 061	MAL.0026	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613966	Lever Arch File	Black containing client files of [REDACTED]		MAL.0026.0001	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613967	Lever Arch File	Black containing client file of [REDACTED]		MAL.0026.0002	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613968	Lever Arch File	Black with pink lining containing client files of [REDACTED]		MAL.0026.0003	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613969	Lever Arch File	Black with green lining, containing client file of [REDACTED]		MAL.0026.0004	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613970	Lever Arch File	Black with pink lining containing client file of [REDACTED]		MAL.0026.0005	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287426	Primary	S02287426	Archive Box	Item Number: 063. AFP Seal No: 427386. Containing seven (7) lever arch folders.	Item 063	MAL.0028	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613971	Lever Arch File	Black, containing [REDACTED]		MAL.0028.0001	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613972	Lever Arch File	Navy blue with white edges [REDACTED]		MAL.0028.0002	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613973	Lever Arch File	Blue with white edges [REDACTED]		MAL.0028.0003	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613974	Lever Arch File	Black, labelled "Self Managed Superannuation Fund Register", containing letters, Superannuation Trust Deed documents, and multiple labelled tabs.		MAL.0028.0004	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy

S0217770	S02287426	Secondary	S02613975	Lever Arch File	Black, containing [REDACTED]		MAL.0028.0005	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613976	Lever Arch File	Black, containing [REDACTED]		MAL.0028.0006	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613977	Lever Arch File	Blue, containing multiple [REDACTED]		MAL.0028.0007	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287427	Primary	S02287427	Archive Box	Item 064 - AFP Seal 427385 - containing seven (7) lever arch folders	Item 064	MAL.0029	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613978	Lever Arch File	Black - titled EOFY 2019-2020 1/5		MAL.0029.0001	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613979	Lever Arch File	Black - titled EOFY 2019 - 2020 - 2/5		MAL.0029.0002	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613980	Lever Arch File	Black - titled EOFY 2019 - 2020 - 3/5		MAL.0029.0003	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613981	Lever Arch File	Black - titled EOFY 2019 - 2020 - 4/5		MAL.0029.0004	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613982	Lever Arch File	Black - titled EOFY 2019 - 2020 - 5/5		MAL.0029.0005	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613983	Lever Arch File	Black - titled EOFY 2020 - 2021		MAL.0029.0006	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613984	Lever Arch File	Black - titled [REDACTED]		MAL.0029.0007	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287428	Primary	S02287428	Archive Box	Item Number: 065. AFP Seal No: 427384. Containing nine (9) lever arch folders.	Item 065	MAL.0030	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613985	Lever Arch File	White - titled [REDACTED]		MAL.0030.0001	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613986	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0002	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613987	Lever Arch File	Black - titled Caddick Family Trust Super Fund - Current Trust Deed 2013		MAL.0030.0003	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613988	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0004	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613989	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0005	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613990	Lever Arch File	White - titled [REDACTED]		MAL.0030.0006	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613991	Lever Arch File	White - Titled [REDACTED]		MAL.0030.0007	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613992	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0008	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613993	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0009	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287429	Primary	S02287429	Plastic Bag	Item 066 - AFP Seal ID 427387 - containing five (5) lever arch folders	Item 066	MAL.0031	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613994	Lever Arch File	Black - titled [REDACTED]		MAL.0031.0001	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613995	Lever Arch File	Black titled [REDACTED]		MAL.0031.0002	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613996	Lever Arch File	Black - titled [REDACTED]		MAL.0031.0003	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613997	Lever Arch File	Blue - titled [REDACTED]		MAL.0031.0004	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613998	Lever Arch File	Black - titled [REDACTED]		MAL.0031.0005	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287430	Primary	S02287430	Archive Box	Item 067 - AFP Seal 427386 - containing five (5) lever arch folders	Item 067	MAL.0032	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02485001	Lever Arch File	Green - titled [REDACTED]		MAL.0032.0001	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02485002	Lever Arch File	Titled [REDACTED]		MAL.0032.0002	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02485003	Lever Arch File	Blue - titled [REDACTED]		MAL.0032.0003	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02613999	Lever Arch File	Green - titled [REDACTED]		MAL.0032.0004	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02614000	Lever Arch File	Black - titled [REDACTED]		MAL.0032.0005	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287431	Primary	S02287431	Plastic Bag	Item 068 - AFP Seal ID 427391 - containing four (4) lever arch folders	Item 068	MAL.0033	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485004	Lever Arch File	Blue - titled [REDACTED]		MAL.0033.0001	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485005	Lever Arch File	Blue - titled [REDACTED]		MAL.0033.0002	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485006	Lever Arch File	Black - titled [REDACTED]		MAL.0033.0003	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485007	Lever Arch File	Black - titled [REDACTED]		MAL.0033.0004	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287432	Primary	S02287432	Plastic Bag	Item 069 - AFP Seal ID 427393 - containing various clothes	Item 069	N/A	SRO-S0742-DCU Level 5, Shelf S0742	POC
S0217770	S02287433	Primary	S02287433	Archive Box	Item 070 - AFP Seal 427397 - containing three (3) lever arch folders	Item 070	MAL.0034	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy
S0217770	S02287433	Secondary	S02485008	Lever Arch File	Black - titled [REDACTED]		MAL.0034.0001	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy
S0217770	S02287433	Secondary	S02485009	Lever Arch File	Blue - titled [REDACTED]		MAL.0034.0002	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy
S0217770	S02287433	Secondary	S02485010	Lever Arch File	Black - titled [REDACTED]		MAL.0034.0003	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy

S0217770	S02287434	Primary	S02287434	Plastic Bag	Item number - 071. AFP Seal ID: 427392, containing 1x Apple iphone.	Item 071	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287434	Secondary	S02177775	Mobile Phone	Black Apple Iphone Model A1332. With red phone case.				Electronic
S0217770	S02287435	Primary	S02287435	Archive Box	Item 072 - AFP Seal 427394 - containing four (4) lever arch folders	Item 072	MAL.0035	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485011	Lever Arch File	Blue - titled [REDACTED]		MAL.0035.0001	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485012	Lever Arch File	Black - titled [REDACTED]		MAL.0035.0002	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485013	Lever Arch File	Black - titled [REDACTED]		MAL.0035.0003	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485014	Lever Arch File	Black - titled [REDACTED]		MAL.0035.0004	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287436	Primary	S02287436	Plastic Bag	Item 073 - AFP Seal ID 427395 - containing various clothes	Item 073	N/A	SRO-S0743-DCU Level 5, Shelf S0743	POC
S0217770	S02287437	Primary	S02287437	Plastic Bag	Item 074 - AFP Seal ID 427396 - containing eight (8) dresses	Item 074	N/A	SRO-S0745-DCU Level 5, Shelf S0745	POC
S0217770	S02287438	Primary	S02287438	Plastic Bag	Item 075 - AFP Seal ID: 427398 - containing various clothes	Item 075	N/A	SRO-S0745-DCU Level 5, Shelf S0745	POC
S0217770	S02287439	Primary	S02287439	Plastic Bag	Item No 076 Seal No 427399 containing one (1) Tag Heuer watch, one (1) Lougines watch, two (1) Canturi necklaces, one (1) star earring and one (1) silver bracelet.	Item 076	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287440	Primary	S02287440	Plastic Bag	Item 077 - AFP Seal ID 427400 - containing 3 Collette Dinnigan dresses	Item 077	N/A	SRO-S0746-DCU Level 5, Shelf S0746	POC
S0217770	S02287442	Primary	S02287442	Plastic Bag	Item 078 - AFP Seal ID 427401 - containing six (6) dressess	Item 078	N/A	SRO-S0747-DCU Level 5, Shelf S0747	POC
S0217770	S02287450	Primary	S02287450	Plastic Bag	Item Number: 080. AFP Seal No: 427404. Containing 1x Desktop computer.	Item 080	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287450	Secondary	S02177784	Desktop Computer	Silver Apple Mac, Serial number C02NJ056F8J5. Containing post it note "Word - Save - Word - 97- 2004. (doc.)"				Electronic
S0217770	S02287451	Primary	S02287451	Plastic Bag	Item Number: 079. AFP Seal No: 427402. Containing 1x Keyboard.	Item 079	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287451	Secondary	S02177783		Silver Apple Keyboard, Model Number A1243.				Electronic
S0217770	S02287452	Primary	S02287452	Plastic Bag	Item Number: 088. AFP Serial No: 427414. Containing 1x Desktop Computer.	Item 088	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287452	Secondary	S02177785	Desktop Computer	HP Computer with charger. Hewlett Packard. Sticker with barcode 702020-001.				Electronic
S0217770	S02287453	Primary	S02287453	Plastic Bag	Item Number: 081. AFP Seal No: 427405. Containing 1x Desktop computer.	Item 081	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287453	Secondary	S02177786	Desktop Computer	Silver Apple Mac Computer with serial C0ZMM249F8J4. Came with a keyboard. With post it note : Word format, Word 97 - 2004 (doc.) Also with additional post it notes noting "Its going to be a good day".				Electronic
S0217770	S02287454	Primary	S02287454	Plastic Bag	Item No 082. AFP Seal No: 427406. Containing 1x keyboard.	Item 082	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287454	Secondary	S02177782		Silver Apple Keyboard, model ID: A1243.				Electronic
S0217770	S02287456	Primary	S02287456	Plastic Bag	Item 083. AFP Seal ID: 427408, Containing 1x Apple Mac Mini.	Item 083	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287456	Secondary	S02177777	Hard Drive	Silver Apple Mac Mini, Serial No: C07MM0SNDWYN, Model No: A1347.				Electronic
S0217770	S02287457	Primary	S02287457	Plastic Bag	Item number - 084. AFP Seal ID: 427409, containing 1x Hard drive.	Item 084	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287457	Secondary	S02177779	Hard Drive	Black Seagate, Backup Plus for Mac Desktop Drive, Serial number: NA5R1L35. Model: SRD0S0D. Also came with charger.				Electronic
S0217770	S02287458	Primary	S02287458	Plastic Bag	Item number - 085. AFP Seal ID: 427410. Containing 1x laptop and 1x charger.	Item 085	N/A	SRO-UNAS-Unassigned	Electronic

S02177770	S02287458	Secondary	S02177778	Laptop	Silver Mapbook Pro with serial number C02VK2MMHV2P. Model A1706. Also contains charger.				Electronic
S02177770	S02287459	Primary	S02287459	Plastic Bag	Item No 086 AFP Seal No 427411, containing one (1) Canturi ring, one (1) Cartier watch, one (1) engagement ring	Item 086	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S02177770	S02287460	Primary	S02171219	Plastic Bag	Item 087 - AFP Seal 427412 - containing folder titled "MC - Art Valuations"	Item 087	MAL.0036	SRO-S0233-DCU Level 5, Shelf S0233	Hard Copy
S02177770	S02287460	Secondary	S02287460	Folder	Green containing folder titled "MC - Art Valuations"		MAL.0036.0001	SRO-S0233-DCU Level 5, Shelf S0233	
S02177770	S02287461	Primary	S02287461	Plastic Bag	Item Number - 089. AFP Seal ID: 427415. Containing 2x Hard Drives.	Item 089	N/A	SRO-UNAS-Unassigned	Electronic
S02177770	S02287461	Secondary	S02287420	Hard Drive	Black Seagate Expansion Desktop Drive, Product ID: 1TFAP3-500. Also contains charger.				Electronic
S02177770	S02287461	Secondary	S02287449	Hard Drive	Black Seagate Expansion Desktop Drive, Product Number: 1TFAP3-500.				Electronic

Consignment ID	Parent Container	Container ID	Container Type	Container Name	Ringtail Level	Shelf Location	Notes:
S02177772		S02134347	Plastic Bag	AFP Seal No: 271440. Containing Canturi jewels documents.		SRO-S0233-DCU Level 5, Shelf S0233	
S02177772	S02134347	S02134346	Envelope	Containing Key - Safe deposit no [REDACTED] Key with number [REDACTED] recorded.			
S02177772		S02134349	Plastic Bag	Containing Canturi Jewels documents addressed to Caddick, Melissa dated 02/02/2011.		SRO-S0233-DCU Level 5, Shelf S0233	
S02177772		S02134351	Plastic Bag	AFP Seal ID: 271442. Containing 1x ipod and 1x passport holder.		SRO-S0233-DCU Level 5, Shelf S0233	
S02177772	S02134352	S02134352	Media Player	Apple ipod with blue passport case			3K

Consignment	Parent Container	Container ID	Container Type	Container Name	Exhibit	Ringtail Level	Shelf Location	Notes
S0217773		S02177780	Plastic Bag	Item Number 002 PMR. AFP Seal No: 427413. Containing 1x Hard drive.	Item 002	N/A	SRO-UNAS-Unassigned	
	S02177780	S02177781	Hard Drive	Silver UioStor NAS CCTV Hard drive, HDD Sequence. Serial Number: Q15A 11634.				3K
S0217773		S02287455	Plastic Bag	Item number - 001 PMR. AFP Seal ID: 427407, containing 1x Apple Mac Mini. C075Q04RG1H7.	Item 001	N/A	SRO-UNAS-Unassigned	
	S02287455	S02177776	Hard Drive	Silver Apple Mac Mini, with Serial ID C075Q04RG1HY. Model A1347.				3K

Consignment ID	Parent Container	Container ID	Container Type	Container Name	Exhibit	Ringtail Level	Shelf Location	Notes
S0217774		S02287361	Plastic Bag	Item No 001 AFP Seal No 427310 white envelope containing currency (American.)	Item 001	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	
S0217774		S02287362	Plastic Bag	Item No 002 Seal No 427309. Containing one (1) yellow envelope and currency.	Item 002	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	

23 December 2021

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Colleagues,

**NSD1220/2020 Australian Securities and Investments Commission vs
Caddick
Notice of Intention to Realise Receivership Property**

We act for Mr Bruce Gleeson and Mr Daniel Soire who on 22 November 2021 were appointed Receivers to the property of Melissa Louise Caddick pursuant to Orders made by her Honour Justice Markovic in the Federal Court of Australia. We confirm that as part of those Orders our clients are required to give Notice to any Interested Parties of their intention to take possession of and or possibly sell assets or property of Melissa Louise Caddick.

By way of background we note that [REDACTED] have previously executed a Warrant and taken possession of various property of Melissa Louise Caddick and are still currently in possession of that property, although some of the property may be in the possession of the [REDACTED]
[REDACTED]. Therefore, as part of the process we attach herewith by way of service the Notice of Intention to Realise Receivership Property executed by our clients pursuant to the Orders made by her Honour Justice Markovic on 24 November 2021. Please advise whether you have any objections to our clients taking possession of all of that property listed in the Notice and particularly the Schedule to the Notice. The person handling the

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
217242

By email
David.Pammenter@afp.gov.au

CC:
Amelia.GRIFFEN@afp.gov.au
Roderick.Ramilo@afp.gov.au



matter at [REDACTED] You will note that you will have 15
business day to lodge objections on behalf of [REDACTED]
should you choose to do so. It would assist the process if you could clarify your
position.

Yours Truly,

A handwritten signature in cursive script that reads "Michael Hayter". The signature is written in black ink and is positioned to the left of the typed name.

Michael Hayter
Partner

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick). This includes all assets, books and records described in the attached Schedule marked as **Annexure "A"**.

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick;
3. All personal effects including paintings and jewellery of Melissa Louise Caddick; and

4. All assets, books and records described in the attached Schedule marked as **Annexure "A"**.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 23rd of December 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver

Search Warrant Exhibit List									
Consignment ID	Parent	Hierarchy	Container ID	Container Type	Container Name	Exhibit	Ringtail Level	Shelf Location	Category
S0217770	S02287359	Primary	S02287359	Plastic Bag	Item No: 001. AFP Seal No: 427320. Containing one (1) Cartier Box and necklace.	Item 001	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287360	Primary	S02287360	Plastic Bag	Item 002 AFP Seal No 427321 containing Louis Vuitton box and necklace.	Item 002	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287363	Primary	S02287363	Plastic Bag	Item No: 003. AFP Seal No: 427323.	Item 003	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287364	Primary	S02287364	Plastic Bag	Item No: 004. AFP Seal No: 427324. Containing one (1) Canturi box containing one (1) necklace.	Item 004	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287365	Primary	S02287365	Plastic Bag	Item No 005 AFP Seal No 427325 containing jewellery box and bangles.	Item 005	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287366	Primary	S02287366	Plastic Bag	Item No: 006. AFP Seal No: 427326. Containing one (1) Breitling box lid with black watch and silver hardware.	Item 006	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287367	Primary	S02287367	Plastic Bag	Item No: 007. AFP Seal No: 427327. Containing (one) 1 Dior Box containing one (1) watch.	Item 007	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287368	Primary	S02287368	Plastic Bag	Item No: 008. AFP Seal No: 427328. Containing jewellery box containing earrings.	Item 008	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287369	Primary	S02287369	Plastic Bag	Item no 009 AFP Seal No 427329. Containing jewellery box containing earrings.	Item 009	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287370	Primary	S02287370	Plastic Bag	Item No 010 AFP Seal No no 427330 containing one (1) Canturi box and cufflinks.	Item 010	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287371	Primary	S02287371	Plastic Bag	Item No: 011. AFP Seal No: 427331. Containing Canturi Box and cufflinks within it.	Item 011	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287372	Primary	S02287372	Plastic Bag	Item No 0012 AFP Seal No 427332 containing Canturi Box and ring labelled "ring".	Item 012	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287373	Primary	S02287373	Plastic Bag	Item Number: 013. AFP Seal No: 427333. Containing four (4) Canturi pouches with pearls, charm bracelet and earrings.	Item 013	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287374	Primary	S02287374	Plastic Bag	Item No 014 AFP Seal No 427334 containing Louis Vuitton receipt.	Item 014	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287375	Primary	S02287375	Plastic Bag	Item No 015 AFP Seal No 427335 containing one (1) navy blue Dior shorts	Item 015	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287376	Primary	S02287376	Archive Box	Item 016 - AFP Seal 427336 - containing two (2) lever arch folders	Item 016	MAL.0011	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287376			Loose Documents			MAL.0011.0000	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287376	Secondary	S02613877	Lever Arch File	Black Titled 'Canturi-Valuations - Purchase Orders		MAL.0011.0001	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287376	Secondary	S02613878	Folder	Black Titled 'M Caddick 15/9/16 Will - POA'		MAL.0011.0002	SRO-S0253-DCU Level 5, Shelf S0253	Hard Copy
S0217770	S02287377	Primary	S02287377	Plastic Bag	Item No 017 AFP Seal NO 42737. Containing invoice for Stella ring, Canturi.	Item 017	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287378	Primary	S02287378	Plastic Bag	Item No: 018. AFP Seal No: 427338. Containing one (1) Canturi box containing one (1) Bracelet.	Item 018	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287379	Primary	S02287379	Plastic Bag	Item No 019 AFP Seal No 427339. Containing Louis Vuitton Wallet with cufflinks.	Item 019	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287380	Primary	S02287380	Plastic Bag	Item number 020. AFP Seal No: 427340. Containing Canturi Box and a diamond cuff within it.	Item 020	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287381	Primary	S02287381	Plastic Bag	Item No: 021. AFP Seal No: 427342. Containing Canturi Box with necklace.	Item 021	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287382	Primary	S02287382	Plastic Bag	Item Number 022 AFP Seal No 427343. Containing jewellery box with rings.	Item 022	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287383	Primary	S02287383	Plastic Bag	Item Number: 023. AFP Seal No: 427344. containing Louis Vuitton digital watch. Contains LV Eclipse monogram tag, and cord,	Item 023	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287384	Primary	S02287384	Plastic Bag	Item Number: 024. AFP Seal No: 427345. Containing Calendar in A4 Sheet.	Item 024	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287385	Primary	S02287385	Plastic Bag	Item 025 - AFP Seal ID 427346 - containing one (1) white Dior handbag	Item 025	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC

S0217770	S02287386	Primary	S02287386	Plastic Bag	Item 026 - AFP Seal 427347 - containing one (1) Chanel Purse	Item 026	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287387	Primary	S02287387	Plastic Bag	Item 027 - AFP Seal 427348 - containing one (1) Louis Vuitton wallet	Item 027	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287388	Primary	S02287388	Plastic Bag	Item 028 - AFP Seal 427349 - containing one (1) silver and orange Lacie branded hard drive	Item 028	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287388	Secondary	S02177788	Hard Drive	Orange Lacie Harddrive, Serial Number NL17JK5.				Electronic
S0217770	S02287389	Primary	S02287389	Plastic Bag	Item 029 - AFP Seal ID 427350 - containing one (1) Christian Dior perfume	Item 029	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287390	Primary	S02287390	Plastic Bag	Item 030 - AFP Seal 427351 - containing one (1) Chanel bag	Item 030	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287391	Primary	S02287391	Plastic Bag	Item No 031 AFP Seal No 427352. Containing one (1) Dior box and pendant.	Item 031	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287392	Primary	S02287392	Plastic Bag	Item 032 - AFP Seal ID 427353 - containing one (1) Dior liquid hand soap	Item 032	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287393	Primary	S02287393	Plastic Bag	Item 033 - AFP Seal ID 427354 - containing one (1) Dior bag	Item 033	N/A	SRO-S0737-DCU Level 5, Shelf S0737	POC
S0217770	S02287394	Primary	S02287394	Plastic File	Item 034 - AFP Seal ID 427355 - containing one (1) Louis Vuitton bag	Item 034	N/A	SRO-S0738-DCU Level 5, Shelf S0738	POC
S0217770	S02287395	Primary	S02287395	Archive Box	Item 035 - AFP Seal 427356 - containing four (4) lever arch folders	Item 035	MAL.0012	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613879	Folder	Black Titled - Self Managed Superannuation Fund Register		MAL.0012.0001	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613880	Folder	Black Titled - Self Managed Superannuation Fund Register		MAL.0012.0002	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613881	Folder	Black Titled - Self Managed Superannuation Fund Register		MAL.0012.0003	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287395	Secondary	S02613882	Folder	Black - Titled - Self Managed Superannuation Fund Register		MAL.0012.0004	SRO-S0249-DCU Level 5, Shelf S0249	Hard Copy
S0217770	S02287396	Primary	S02287396	Archive Box	Item 036 - AFP Seal 427357 - containing three (3) lever arch folders	Item 036	MAL.0013	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287396	Secondary	S02613883	Lever Arch File	Black Titled -		MAL.0013.0001	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287396	Secondary	S02613884	Lever Arch File	Black - Bank Rec's 1 Jul -2020 -30 June 2021		MAL.0013.0002	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287396	Secondary	S02613885	Lever Arch File	Black Titled - Floor Plans/DA		MAL.0013.0003	SRO-S0257-DCU Level 5, Shelf S0257	Hard Copy
S0217770	S02287397	Primary	S02287397	Archive Box	Item 037 - AFP Seal 427358 - containing four (4) lever arch folders	Item 037	MAL.0014	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613886	Folder	Blue - Titled 'Maliver Pty Limited'		MAL.0014.0001	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613887	Lever Arch File	Black Titled -CAddick Services Trust 2016 Tax/FW Stats - Maliver -Casual wages		MAL.0014.0002	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613888	Lever Arch File	Black Titled - MV Insurance 03/2016 CARS		MAL.0014.0003	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287397	Secondary	S02613889	Lever Arch File	Black - Titled - 'Chubb-Home-Contents-Arts-Jewels		MAL.0014.0004	SRO-S0252-DCU Level 5, Shelf S0252	Hard Copy
S0217770	S02287398	Primary	S02287398	Plastic Bag	Item 038 - AFP Seal 427359	Item 038	MAL.0015	SRO-S0233-DCU Level 5, Shelf S0233	Hard Copy
S0217770	S02287399	Primary	S02287399	Archive Box	Item 039 - AFP Seal 427360 - five (5) lever arch folders	Item 039	MAL.0016	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613891	Lever Arch File			MAL.0016.0001	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613892	Lever Arch File			MAL.0016.0002	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613893	Lever Arch File			MAL.0016.0003	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613894	Lever Arch File			MAL.0016.0004	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287399	Secondary	S02613895	Lever Arch File			MAL.0016.0005	SRO-S0256-DCU Level 5, Shelf S0256	Hard Copy
S0217770	S02287400	Primary	S02287400	Archive Box	Item 040 - AFP Seal ID 427361 - containing five (5) lever arch folders	Item 040	MAL.0017	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613896	Lever Arch File	Black.Green Titled 'CAddick Super Fund'		MAL.0017.0001	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613897	Lever Arch File			MAL.0017.0002	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613898	Lever Arch File			MAL.0017.0003	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613899	Lever Arch File			MAL.0017.0004	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287400	Secondary	S02613900	Lever Arch File			MAL.0017.0005	SRO-S0254-DCU Level 5, Shelf S0254	Hard Copy
S0217770	S02287401	Primary	S02287401	Archive Box	Item 041 - AFP Seal 427362 - containing four (4) lever arch folders	Item 041	MAL.0018	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy

S0217770	S02287401	Secondary	S02613901	Lever Arch File	[REDACTED]		MAL.0018.0001	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287401	Secondary	S02613902	Lever Arch File	Needs to be updated.		MAL.0018.0002	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287401	Secondary	S02613903	Lever Arch File	[REDACTED]		MAL.0018.0003	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287401	Secondary	S02613904	Lever Arch File	[REDACTED]		MAL.0018.0004	SRO-S0264-DCU Level 5, Shelf S0264	Hard Copy
S0217770	S02287402	Primary	S02287402	Archive Box	Item Number 042. AFP Seal No: 427363. Containing three (3) plastic files, three (3) plastic sleeves, one binder and one (1) magazine, and loose documents.	Item 042	MAL.0019	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613905	Pouch	[REDACTED]		MAL.0019.0001	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613906	Pouch	[REDACTED]		MAL.0019.0002	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613907	Pouch	[REDACTED]		MAL.0019.0003	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287402	Secondary	S02613908	Plastic Bag	Containing 2 plastic sleeve, bank statements spreadsheet printouts, correspondence and 2 IFA magazines		MAL.0019.0004	SRO-S0280-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287403	Primary	S02287403	Archive Box	Item Number: 043. AFP Seal No: 427364. Containing four (4) Dior hoodie style jumpers, and three (3) Dior bags.	Item 043	N/A	SRO-S0738-DCU Level 5, Shelf S0738	POC
S0217770	S02287404	Primary	S02287404	Archive Box	Item 044 - AFP Seal ID: 427365 - containing one (1) purse and two (2) Dior T-shirts and one (1) Dior Hoodie	Item 044	N/A	SRO-S0739-DCU Level 5, Shelf S0739	POC
S0217770	S02287405	Primary	S02287405	Archive Box	Item 045 - AFP Seal ID 427366 - containing files	Item 045	MAL.0020	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613909	Plastic Bag	[REDACTED]		MAL.0020.0001	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613910	Plastic Bag	[REDACTED]		MAL.0020.0002	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613911	Plastic Bag	[REDACTED]		MAL.0020.0003	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613913	Plastic Bag	[REDACTED]		MAL.0020.0004	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Tertiary	S02613912	CD	[REDACTED]		MAL.0020.0010	SRO-S0276-DCU Level 5, Shelf S0276	Electronic
S0217770	S02287405	Secondary	S02613914	Plastic Bag	[REDACTED]		MAL.0020.0005	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613915	Plastic Bag	[REDACTED]		MAL.0020.0006	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Tertiary	S02613916	Pouch	[REDACTED]		MAL.0020.0007	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613917	Plastic Bag	[REDACTED]		MAL.0020.0008	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287405	Secondary	S02613918	Plastic Bag	[REDACTED]		MAL.0020.0009	SRO-S0276-DCU Level 5, Shelf S0276	Hard Copy
S0217770	S02287406	Primary	S02287406	Archive Box	Item 046 - AFP Seal ID 427367 - containing files	Item 046	MAL.0021	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613919	Plastic Bag	[REDACTED]		MAL.0021.0001	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613920	Plastic Bag	[REDACTED]		MAL.0021.0002	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613921	Plastic Bag	[REDACTED]		MAL.0021.0003	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613922	Plastic Bag	[REDACTED]		MAL.0021.0004	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613923	Plastic Bag	[REDACTED]		MAL.0021.0005	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613924	Plastic Bag	[REDACTED]		MAL.0021.0006	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613925	Plastic Bag	[REDACTED]		MAL.0021.0007	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613926	Plastic Bag	[REDACTED]		MAL.0021.0008	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613927	Plastic Bag	[REDACTED]		MAL.0021.0009	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287406	Secondary	S02613928	Plastic Bag	[REDACTED]		MAL.0021.0010	SRO-S0274-DCU Level 5, Shelf S0274	Hard Copy
S0217770	S02287407	Primary	S02287407	Archive Box	Item 047 - AFP Seal 427368 - containing client files	Item 047	MAL.0022	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613929	Plastic Bag	[REDACTED]		MAL.0022.0001	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613930	Plastic Bag	[REDACTED]		MAL.0022.0002	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02485022	CD	[REDACTED]		MAL.0022.0021	SRO-S0266-DCU Level 5, Shelf S0266	Electronic
S0217770	S02287407	Secondary	S02613931	Plastic Bag	[REDACTED]		MAL.0022.0003	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613932	Plastic Bag	[REDACTED]		MAL.0022.0004	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613933	Plastic Bag	[REDACTED]		MAL.0022.0005	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613934	Plastic File	[REDACTED]		MAL.0022.0006	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613935	Plastic Bag	Containing hand written notes, Maliver documents and one divider.		MAL.0022.0007	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613936	Plastic Bag	Containing one divider.		MAL.0022.0008	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613937	Plastic Bag	Containing Financial Year of 2019-2020 of [REDACTED]		MAL.0022.0009	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613938	Plastic Bag	Containing Financial Year reports of [REDACTED] and one divider.		MAL.0022.0010	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy

S0217770	S02287407	Secondary	S02613939	Plastic Bag	Containing Financial Year Reports of ██████████ 2019-2020, and one divider.		MAL.0022.0011	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613940	Plastic Bag	Containing Financial Year Report of ██████████ statements, and one divider.		MAL.0022.0012	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613941	Plastic Bag	Containing Financial Year Report 2019-2020 ██████████		MAL.0022.0013	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613942	Plastic Bag	Containing Financial Year report 2018-2019 of ██████████ and one divider.		MAL.0022.0014	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613943	Plastic Bag	Containing Financial Year report 2019-2020 of ██████████ tax invoices and statements, and one divider.		MAL.0022.0015	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613944	Plastic Bag	Containing Financial Year 2019-2020 of ██████████ Maliver documents and one divider.		MAL.0022.0016	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613945	Plastic Bag	Containing Financial reports 2019-2020 for ██████████ hand written documents, and one divider.		MAL.0022.0017	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613946	Plastic Bag	Containing financial year reports for ██████████ and one divider.		MAL.0022.0018	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613947	Plastic Bag	Containing financial year documents. ██████████ documents, and two dividers.		MAL.0022.0019	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287407	Secondary	S02613948	Plastic Bag	Containing electronic lodgement declaration, Annual Accounts Booklet, and Signature Pack Booklet		MAL.0022.0020	SRO-S0266-DCU Level 5, Shelf S0266	Hard Copy
S0217770	S02287408	Primary	S02287408	Plastic Bag	Item 049 - AFP Seal ID 427370 - containing two (2) Alexander Vautler dresses	Item 049	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287409	Primary	S02287409	Plastic Bag	Item 048 - AFP Seal ID: 427369 - containing four (4) lever arch folders	Item 048	MAL.0023	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613949	Lever Arch File	Black Titled ██████████		MAL.0023.0001	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613950	Lever Arch File	Black Titled ██████████		MAL.0023.0002	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613951	Lever Arch File	Black Titled ██████████		MAL.0023.0003	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287409	Secondary	S02613952	Lever Arch File	Blue Titled ██████████		MAL.0023.0004	SRO-S0268-DCU Level 5, Shelf S0268	Hard Copy
S0217770	S02287410	Primary	S02287410	Plastic File	Item 050 - AFP Seal ID 427371 - containing one (1) Blue Bugatti Bag	Item 050	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287411	Primary	S02287411	Plastic Bag	Item 051 - AFP Seal ID 427372 - containing six (6) various bags	Item 051	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287412	Primary	S02287412	Plastic Bag	Item 052 - AFP Seal ID 427373 - containing one (1) YSL bag	Item 052	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287413	Primary	S02287413	Archive Box	Item Number: 053. AFP Seal No: 427374. Containing five (5) lever arch folders.	Item 053	MAL.0024	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613953	Lever Arch File	Black with pink lining containing client files of ██████████		MAL.0024.0001	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613954	Lever Arch File	Black with pink lining, containing client file of ██████████		MAL.0024.0002	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613955	Lever Arch File	Black, with client file ██████████		MAL.0024.0003	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613956	Lever Arch File	Navy blue, containing file of ██████████		MAL.0024.0004	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287413	Secondary	S02613957	Lever Arch File	Blue containing client file of ██████████		MAL.0024.0005	SRO-S0287-DCU Level 5, Shelf S0287	Hard Copy
S0217770	S02287414	Primary	S02287414	Plastic Bag	Item 054 - AFP Seal ID 427375 - containing four (4) lever arch folders	Item 054	MAL.0025	SRO-S0277-DCU Level 5, Shelf S0277	Hard Copy
S0217770	S02287414	Secondary	S02613958	Lever Arch File	Black, containing Maliver client files of ██████████		MAL.0025.0001	SRO-S0277-DCU Level 5, Shelf S0278	Hard Copy
S0217770	S02287414	Secondary	S02613959	Lever Arch File	Black with green lining, containing client files of ██████████		MAL.0025.0002	SRO-S0277-DCU Level 5, Shelf S0279	Hard Copy

S0217770	S02287414	Secondary	S02613960	Lever Arch File	Black, containing client file of [REDACTED]		MAL.0025.0003	SRO-S0277-DCU Level 5, Shelf S0280	Hard Copy
S0217770	S02287414	Secondary	S02613961	Lever Arch File	Black, containing client file of [REDACTED]		MAL.0025.0004	SRO-S0277-DCU Level 5, Shelf S0281	Hard Copy
S0217770	S02287415	Primary	S02287415	Plastic Bag	Item 055 - AFP Seal ID 427376 - containing Dior dress	Item 055	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287416	Primary	S02287416	Plastic Bag	Item 056 - AFP Seal ID: 427377 - containing one (1) dress	Item 056	N/A	SRO-S0740-DCU Level 5, Shelf S0740	POC
S0217770	S02287417	Primary	S02287417	Plastic Bag	Item 057 - AFP Seal ID 427378 - containing one (1) dress	Item 057	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287418	Primary	S02287418	Plastic Bag	Item 058 - AFP Seal 427379 - containing one (1) dress	Item 058	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287422	Primary	S02287422	Plastic Bag	Item 059 - AFP Seal ID 427380 - containing one (1) pair of Dior shoes	Item 059	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287423	Primary	S02287423	Plastic Bag	Item 060 - AFP Seal ID: 427381 - containing one (1) pair of Black Louis Vuitton shoes	Item 060	N/A	SRO-S0741-DCU Level 5, Shelf S0741	POC
S0217770	S02287424	Primary	S02287424	Plastic Bag	Item ID 062 - AFP Seal ID 427382 - containing four (4) lever arch folders	Item 062	MAL.0027	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613962	Lever Arch File	Blue, containing Maliver client details, and portfolios.		MAL.0027.0001	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613963	Lever Arch File	Navy blue, containing Maliver client files, and numbered tabs 1-7, containing letters from ATO, and documents.		MAL.0027.0002	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613964	Lever Arch File	Black with green lining containing client files of [REDACTED]		MAL.0027.0003	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287424	Secondary	S02613965	Lever Arch File	Black containing client files of [REDACTED]		MAL.0027.0004	SRO-S0279-DCU Level 5, Shelf S0279	Hard Copy
S0217770	S02287425	Primary	S02287425	Plastic Bag	Item 061 - AFP Seal ID 427383 - containing five (5) lever arch folders	Item 061	MAL.0026	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613966	Lever Arch File	Black containing client files of [REDACTED]		MAL.0026.0001	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613967	Lever Arch File	Black containing client file of [REDACTED]		MAL.0026.0002	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613968	Lever Arch File	Black with pink lining containing client files of [REDACTED]		MAL.0026.0003	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613969	Lever Arch File	Black with green lining, containing client file of [REDACTED]		MAL.0026.0004	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287425	Secondary	S02613970	Lever Arch File	Black with pink lining containing client file of [REDACTED]		MAL.0026.0005	SRO-S0271-DCU Level 5, Shelf S0271	Hard Copy
S0217770	S02287426	Primary	S02287426	Archive Box	Item Number: 063. AFP Seal No: 427386. Containing seven (7) lever arch folders.	Item 063	MAL.0028	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613971	Lever Arch File	Black, containing [REDACTED]		MAL.0028.0001	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613972	Lever Arch File	Navy blue with white edges [REDACTED]		MAL.0028.0002	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613973	Lever Arch File	Blue with white edges [REDACTED]		MAL.0028.0003	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613974	Lever Arch File	Black, labelled "Self Managed Superannuation Fund Register", containing letters, Superannuation Trust Deed documents, and multiple labelled tabs.		MAL.0028.0004	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy

S0217770	S02287426	Secondary	S02613975	Lever Arch File	Black, containing [REDACTED]		MAL.0028.0005	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613976	Lever Arch File	Black, containing [REDACTED]		MAL.0028.0006	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287426	Secondary	S02613977	Lever Arch File	Blue, containing multiple [REDACTED]		MAL.0028.0007	SRO-S0288-DCU Level 5, Shelf S0288	Hard Copy
S0217770	S02287427	Primary	S02287427	Archive Box	Item 064 - AFP Seal 427385 - containing seven (7) lever arch folders	Item 064	MAL.0029	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613978	Lever Arch File	Black - titled EOFY 2019-2020 1/5		MAL.0029.0001	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613979	Lever Arch File	Black - titled EOFY 2019 - 2020 - 2/5		MAL.0029.0002	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613980	Lever Arch File	Black - titled EOFY 2019 - 2020 - 3/5		MAL.0029.0003	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613981	Lever Arch File	Black - titled EOFY 2019 - 2020 - 4/5		MAL.0029.0004	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613982	Lever Arch File	Black - titled EOFY 2019 - 2020 - 5/5		MAL.0029.0005	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613983	Lever Arch File	Black - titled EOFY 2020 - 2021		MAL.0029.0006	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287427	Secondary	S02613984	Lever Arch File	Black - titled [REDACTED]		MAL.0029.0007	SRO-S0130-DCU Level 5, Shelf S0130	Hard Copy
S0217770	S02287428	Primary	S02287428	Archive Box	Item Number: 065. AFP Seal No: 427384. Containing nine (9) lever arch folders.	Item 065	MAL.0030	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613985	Lever Arch File	White - titled [REDACTED]		MAL.0030.0001	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613986	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0002	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613987	Lever Arch File	Black - titled Caddick Family Trust Super Fund - Current Trust Deed 2013		MAL.0030.0003	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613988	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0004	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613989	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0005	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613990	Lever Arch File	White - titled [REDACTED]		MAL.0030.0006	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613991	Lever Arch File	White - Titled [REDACTED]		MAL.0030.0007	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613992	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0008	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287428	Secondary	S02613993	Lever Arch File	Black - titled [REDACTED]		MAL.0030.0009	SRO-S0289-DCU Level 5, Shelf S0289	Hard Copy
S0217770	S02287429	Primary	S02287429	Plastic Bag	Item 066 - AFP Seal ID 427387 - containing five (5) lever arch folders	Item 066	MAL.0031	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613994	Lever Arch File	Black - titled [REDACTED]		MAL.0031.0001	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613995	Lever Arch File	Black titled [REDACTED]		MAL.0031.0002	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613996	Lever Arch File	Black - titled [REDACTED]		MAL.0031.0003	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613997	Lever Arch File	Blue - titled [REDACTED]		MAL.0031.0004	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287429	Secondary	S02613998	Lever Arch File	Black - titled [REDACTED]		MAL.0031.0005	SRO-S0267-DCU Level 5, Shelf S0267	Hard Copy
S0217770	S02287430	Primary	S02287430	Archive Box	Item 067 - AFP Seal 427386 - containing five (5) lever arch folders	Item 067	MAL.0032	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02485001	Lever Arch File	Green - titled [REDACTED]		MAL.0032.0001	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02485002	Lever Arch File	Titled [REDACTED]		MAL.0032.0002	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02485003	Lever Arch File	Blue - titled [REDACTED]		MAL.0032.0003	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02613999	Lever Arch File	Green - titled [REDACTED]		MAL.0032.0004	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287430	Secondary	S02614000	Lever Arch File	Black - titled [REDACTED]		MAL.0032.0005	SRO-S0259-DCU Level 5, Shelf S0259	Hard Copy
S0217770	S02287431	Primary	S02287431	Plastic Bag	Item 068 - AFP Seal ID 427391 - containing four (4) lever arch folders	Item 068	MAL.0033	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485004	Lever Arch File	Blue - titled [REDACTED]		MAL.0033.0001	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485005	Lever Arch File	Blue - titled [REDACTED]		MAL.0033.0002	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485006	Lever Arch File	Black - titled [REDACTED]		MAL.0033.0003	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287431	Secondary	S02485007	Lever Arch File	Black - titled [REDACTED]		MAL.0033.0004	SRO-S0269-DCU Level 5, Shelf S0269	Hard Copy
S0217770	S02287432	Primary	S02287432	Plastic Bag	Item 069 - AFP Seal ID 427393 - containing various clothes	Item 069	N/A	SRO-S0742-DCU Level 5, Shelf S0742	POC
S0217770	S02287433	Primary	S02287433	Archive Box	Item 070 - AFP Seal 427397 - containing three (3) lever arch folders	Item 070	MAL.0034	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy
S0217770	S02287433	Secondary	S02485008	Lever Arch File	Black - titled [REDACTED]		MAL.0034.0001	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy
S0217770	S02287433	Secondary	S02485009	Lever Arch File	Blue - titled [REDACTED]		MAL.0034.0002	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy
S0217770	S02287433	Secondary	S02485010	Lever Arch File	Black - titled [REDACTED]		MAL.0034.0003	SRO-S0255-DCU Level 5, Shelf S0255	Hard Copy

S0217770	S02287434	Primary	S02287434	Plastic Bag	Item number - 071. AFP Seal ID: 427392, containing 1x Apple iphone.	Item 071	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287434	Secondary	S02177775	Mobile Phone	Black Apple Iphone Model A1332. With red phone case.				Electronic
S0217770	S02287435	Primary	S02287435	Archive Box	Item 072 - AFP Seal 427394 - containing four (4) lever arch folders	Item 072	MAL.0035	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485011	Lever Arch File	Blue - titled [REDACTED]		MAL.0035.0001	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485012	Lever Arch File	Black - titled [REDACTED]		MAL.0035.0002	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485013	Lever Arch File	Black - titled [REDACTED]		MAL.0035.0003	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287435	Secondary	S02485014	Lever Arch File	Black - titled [REDACTED]		MAL.0035.0004	SRO-S0251-DCU Level 5, Shelf S0251	Hard Copy
S0217770	S02287436	Primary	S02287436	Plastic Bag	Item 073 - AFP Seal ID 427395 - containing various clothes	Item 073	N/A	SRO-S0743-DCU Level 5, Shelf S0743	POC
S0217770	S02287437	Primary	S02287437	Plastic Bag	Item 074 - AFP Seal ID 427396 - containing eight (8) dresses	Item 074	N/A	SRO-S0745-DCU Level 5, Shelf S0745	POC
S0217770	S02287438	Primary	S02287438	Plastic Bag	Item 075 - AFP Seal ID: 427398 - containing various clothes	Item 075	N/A	SRO-S0745-DCU Level 5, Shelf S0745	POC
S0217770	S02287439	Primary	S02287439	Plastic Bag	Item No 076 Seal No 427399 containing one (1) Tag Heuer watch, one (1) Lougines watch, two (1) Canturi necklaces, one (1) star earring and one (1) silver bracelet.	Item 076	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287440	Primary	S02287440	Plastic Bag	Item 077 - AFP Seal ID 427400 - containing 3 Collette Dinnigan dresses	Item 077	N/A	SRO-S0746-DCU Level 5, Shelf S0746	POC
S0217770	S02287442	Primary	S02287442	Plastic Bag	Item 078 - AFP Seal ID 427401 - containing six (6) dressess	Item 078	N/A	SRO-S0747-DCU Level 5, Shelf S0747	POC
S0217770	S02287450	Primary	S02287450	Plastic Bag	Item Number: 080. AFP Seal No: 427404. Containing 1x Desktop computer.	Item 080	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287450	Secondary	S02177784	Desktop Computer	Silver Apple Mac, Serial number C02NJ056F8J5. Containing post it note "Word - Save - Word - 97- 2004. (doc.)"				Electronic
S0217770	S02287451	Primary	S02287451	Plastic Bag	Item Number: 079. AFP Seal No: 427402. Containing 1x Keyboard.	Item 079	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287451	Secondary	S02177783		Silver Apple Keyboard, Model Number A1243.				Electronic
S0217770	S02287452	Primary	S02287452	Plastic Bag	Item Number: 088. AFP Serial No: 427414. Containing 1x Desktop Computer.	Item 088	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287452	Secondary	S02177785	Desktop Computer	HP Computer with charger. Hewlett Packard. Sticker with barcode 702020-001.				Electronic
S0217770	S02287453	Primary	S02287453	Plastic Bag	Item Number: 081. AFP Seal No: 427405. Containing 1x Desktop computer.	Item 081	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287453	Secondary	S02177786	Desktop Computer	Silver Apple Mac Computer with serial C0ZMM249F8J4. Came with a keyboard. With post it note : Word format, Word 97 - 2004 (doc.) Also with additional post it notes noting "Its going to be a good day".				Electronic
S0217770	S02287454	Primary	S02287454	Plastic Bag	Item No 082. AFP Seal No: 427406. Containing 1x keyboard.	Item 082	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287454	Secondary	S02177782		Silver Apple Keyboard, model ID: A1243.				Electronic
S0217770	S02287456	Primary	S02287456	Plastic Bag	Item 083. AFP Seal ID: 427408, Containing 1x Apple Mac Mini.	Item 083	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287456	Secondary	S02177777	Hard Drive	Silver Apple Mac Mini, Serial No: C07MM0SNDWYN, Model No: A1347.				Electronic
S0217770	S02287457	Primary	S02287457	Plastic Bag	Item number - 084. AFP Seal ID: 427409, containing 1x Hard drive.	Item 084	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287457	Secondary	S02177779	Hard Drive	Black Seagate, Backup Plus for Mac Desktop Drive, Serial number: NA5R1L35. Model: SRD0S0D. Also came with charger.				Electronic
S0217770	S02287458	Primary	S02287458	Plastic Bag	Item number - 085. AFP Seal ID: 427410. Containing 1x laptop and 1x charger.	Item 085	N/A	SRO-UNAS-Unassigned	Electronic

S0217770	S02287458	Secondary	S0217778	Laptop	Silver Mapbook Pro with serial number C02VK2MMHV2P. Model A1706. Also contains charger.				Electronic
S0217770	S02287459	Primary	S02287459	Plastic Bag	Item No 086 AFP Seal No 427411, containing one (1) Canturi ring, one (1) Cartier watch, one (1) engagement ring	Item 086	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	POC
S0217770	S02287460	Primary	S02171219	Plastic Bag	Item 087 - AFP Seal 427412 - containing folder titled "MC - Art Valuations"	Item 087	MAL.0036	SRO-S0233-DCU Level 5, Shelf S0233	Hard Copy
S0217770	S02287460	Secondary	S02287460	Folder	Green containing folder titled "MC - Art Valuations"		MAL.0036.0001	SRO-S0233-DCU Level 5, Shelf S0233	
S0217770	S02287461	Primary	S02287461	Plastic Bag	Item Number - 089. AFP Seal ID: 427415. Containing 2x Hard Drives.	Item 089	N/A	SRO-UNAS-Unassigned	Electronic
S0217770	S02287461	Secondary	S02287420	Hard Drive	Black Seagate Expansion Desktop Drive, Product ID: 1TFAP3-500. Also contains charger.				Electronic
S0217770	S02287461	Secondary	S02287449	Hard Drive	Black Seagate Expansion Desktop Drive, Product Number: 1TFAP3-500.				Electronic

Consignment ID	Parent Container	Container ID	Container Type	Container Name	Ringtail Level	Shelf Location	Notes:
S02177772		S02134347	Plastic Bag	AFP Seal No: 271440. Containing Canturi jewels documents.		SRO-S0233-DCU Level 5, Shelf S0233	
S02177772	S02134347	S02134346	Envelope	Containing Key - Safe deposit no [REDACTED] Key with number [REDACTED] recorded.			
S02177772		S02134349	Plastic Bag	Containing Canturi Jewels documents addressed to Caddick, Melissa dated 02/02/2011.		SRO-S0233-DCU Level 5, Shelf S0233	
S02177772		S02134351	Plastic Bag	AFP Seal ID: 271442. Containing 1x ipod and 1x passport holder.		SRO-S0233-DCU Level 5, Shelf S0233	
S02177772	S02134352	S02134352	Media Player	Apple ipod with blue passport case			3K

Consignment	Parent Container	Container ID	Container Type	Container Name	Exhibit	Ringtail Level	Shelf Location	Notes
S0217773		S02177780	Plastic Bag	Item Number 002 PMR. AFP Seal No: 427413. Containing 1x Hard drive.	Item 002	N/A	SRO-UNAS-Unassigned	
	S02177780	S02177781	Hard Drive	Silver UioStor NAS CCTV Hard drive, HDD Sequence. Serial Number: Q15A 11634.				3K
S0217773		S02287455	Plastic Bag	Item number - 001 PMR. AFP Seal ID: 427407, containing 1x Apple Mac Mini. C075Q04RG1H7.	Item 001	N/A	SRO-UNAS-Unassigned	
	S02287455	S02177776	Hard Drive	Silver Apple Mac Mini, with Serial ID C075Q04RG1HY. Model A1347.				3K

Consignment ID	Parent Container	Container ID	Container Type	Container Name	Exhibit	Ringtail Level	Shelf Location	Notes
S0217774		S02287361	Plastic Bag	Item No 001 AFP Seal No 427310 white envelope containing currency (American.)	Item 001	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	
S0217774		S02287362	Plastic Bag	Item No 002 Seal No 427309. Containing one (1) yellow envelope and currency.	Item 002	N/A	SRO-COMPACTUS-DCU Level 5, Locked Compactus	



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

EXHIBIT NOTE BG - 17


COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -17" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 February 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:58 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:29 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: Rob Hobart; Bruce Gleeson
Sent: Monday, 29 November 2021 7:20 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Rob Hobart \(rhobart@jonespartners.net.au\)](mailto:rhobart@jonespartners.net.au)

[Bruce Gleeson \(bgleeson@jonespartners.net.au\)](mailto:bgleeson@jonespartners.net.au)

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: Martin Vu; Daniel Soire
Sent: Monday, 29 November 2021 7:20 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Martin Vu \(MVu@jonespartners.net.au\)](mailto:MVu@jonespartners.net.au)

[Daniel Soire \(dsoire@jonespartners.net.au\)](mailto:dsoire@jonespartners.net.au)

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

EXHIBIT NOTE BG - 18

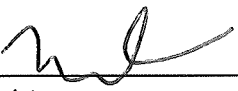
COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "**BG -18**" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NEW 2000

Vanessa Duckworth

From: [REDACTED]
To: Vanessa Duckworth
Sent: Monday, 29 November 2021 8:25 PM
Subject: Read: The Property of Melissa Louise Caddick (Receivers Appointed)

Your message

To: [REDACTED]
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Sent: Monday, November 29, 2021 5:57:58 PM (UTC+10:00) Brisbane

was read on Monday, November 29, 2021 7:25:25 PM (UTC+10:00) Brisbane.



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We [REDACTED]
of [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and

Sign [REDACTED] _____
Name [REDACTED] _____
Date 1-12-2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Vanessa Duckworth

From: Michael Hayter <mkh@swaab.com.au>
Sent: Friday, 4 February 2022 5:16 PM
To: Bruce Gleeson; Martin Vu; Vanessa Duckworth
Subject: Fwd: 2021.12.22 Letter to M Hayter [SEC=OFFICIAL]
Attachments: image001.jpg; 2021.12.22 Letter to M Hayter.pdf

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 4 February 2022 at 5:01:35 pm AEDT
To: Michael Hayter <mkh@swaab.com.au>
Cc: [REDACTED]
Subject: 2021.12.22 Letter to M Hayter [SEC=OFFICIAL]

Dear Mr Hayter,

Please see the attached letter in regards to the matter of the Australian Securities and Investments Commission v Melissa Caddick & another (NSD1220 of 2020).

Kind regards,

[REDACTED]

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[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4 February 2022

Mr Michael Hayter
Swaab
Level 4, 20 Hunter Street
Sydney NSW 2000
By email: mkh@swaab.com.au

Our reference: CAS-57398-J3P0X4

Dear Mr Hayter,

Australian Securities and Investments Commission v Melissa Caddick & another (NSD1220 of 2020)

I refer to the Notice of Intention to Realise Property emailed to [REDACTED] on 22 December 2021 (the Notice). I understand that the Receivers have also given a similar notice to [REDACTED]

Subject to any objections lodged by [REDACTED] does not object to the Receivers taking possession of, and selling, any of the property of Melissa Caddick pursuant to the process set out in order 6 of the orders made by Justice Markovic on 22 November 2021 (November Orders).

As stated in our letter dated 17 December 2021, [REDACTED] expects that any issues regarding the ownership of the assets which are included in Annexure A to the Notice, being the list of items held by [REDACTED] pursuant to the search warrants executed by it, would be addressed in the process set out in order 6 of the November Orders and in particular the obtaining of directions from the Court.

[REDACTED] will then be in a position to provide the Receivers with items of property of Melissa Caddick that it holds, in accordance with any directions obtained from the Court. [REDACTED] will of course also provide the liquidators of Maliver Pty Ltd with any remaining items of property that are those of the company.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A series of six horizontal black redaction bars of varying lengths, covering contact information such as phone numbers and email addresses.

Vanessa Duckworth

From: Michael Hayter <mkh@swaab.com.au>
Sent: Monday, 7 February 2022 3:19 PM
To: Bruce Gleeson; Martin Vu
Subject: Fwd: 2021.12.22 Letter to M Hayter [SWA-AB.FID348319] [SEC=OFFICIAL]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 7 February 2022 at 1:55:39 pm AEDT
To: Michael Hayter <mkh@swaab.com.au>
Cc: [REDACTED]
Subject: RE: 2021.12.22 Letter to M Hayter [SWA-AB.FID348319] [SEC=OFFICIAL]

OFFICIAL

Dear Mr Hayter,

Thank you for your correspondence below and of the 23rd of December 2021. I am instructed that [REDACTED] has no objection to the Receivers taking possession of the property detailed in the notice to [REDACTED] from Jones Partners of 23 December 2021 (the "Notice"). However I am advised that all material seized by [REDACTED], and listed in the Notice, was transferred to [REDACTED] after the execution of the warrant. I understand you have taken possession of some material from [REDACTED] although it is unclear to me whether the material requested from [REDACTED] encompassed all you have sought from [REDACTED]. If there are any discrepancies between the property seizure record annexed to the Notice and the material received from [REDACTED], assuming the seizure record has also formed the basis of the Receiver's request to [REDACTED] please let me know.

Regards

[REDACTED]

[REDACTED]

From: Michael Hayter <mkh@swaab.com.au>
Sent: Monday, 7 February 2022 9:32 AM
To: [REDACTED]
Cc: Bruce Gleeson <bgleeson@jonespartners.net.au>; Martin Vu <MVu@jonespartners.net.au>
Subject: FW: 2021.12.22 Letter to M Hayter [SEC=OFFICIAL] [SWA-AB.FID348319]

Here is [redacted] letter [redacted] sought and was given an extension to last week to reply to notice. There is urgency for [redacted] to respond.

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

From: [redacted]
Sent: Friday, 4 February 2022 5:01 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: [redacted]
Subject: 2021.12.22 Letter to M Hayter [SEC=OFFICIAL]

Dear Mr Hayter,

Please see the attached letter in regards to the matter of the Australian Securities and Investments Commission v Melissa Caddick & another (NSD1220 of 2020).

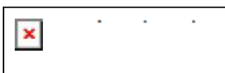
Kind regards,

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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EXHIBIT NOTE BG - 19


COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -19" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:47 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf
Importance: High

Dear Sir/Madam,

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:48 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
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W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:48 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf
Importance: High

Dear Sir/Madam,

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:51 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf

Importance: High

Dear Sir/Madam,

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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T: 61 2 9251 5222 | F: 61 2 9247 5911
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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:51 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed) Reference EFFWL868
Attachments: 211129 Letter to [REDACTED] - Notice of Intention to Realise Property.pdf
Importance: High

Dear Sir/Madam,

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:52 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed) Reference 0000166809
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf
Importance: High

Dear Sir/Madam,

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:53 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed) Reference [LEA-61089]
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



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E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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EXHIBIT NOTE BG - 20

COURT DETAILS


Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -20" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[REDACTED]

[REDACTED]

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that Ms Caddick held a bank account with you, being account number [REDACTED]

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*

6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and

3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[Redacted]

[Redacted]

Dear Sir,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that you have registered mortgages over the properties located at [Redacted]

[Redacted] and Ms Caddick held bank accounts with you.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[REDACTED]

[REDACTED]

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that Ms Caddick held accounts with you, being [REDACTED]

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[REDACTED]

[REDACTED]

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that Ms Caddick held accounts with you, being [REDACTED]

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
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Senior Consultant **AG Topp** B.Bus, CA

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a stylized, overlapping loop structure.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a long, sweeping horizontal stroke and a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[REDACTED]

[REDACTED]

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that Ms Caddick held bank accounts with you, being

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

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Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*

6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
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In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and

3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

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JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

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Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[REDACTED]

[REDACTED]

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that Ms Caddick held a bank account with you, being

[REDACTED]

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We

of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____

Name: _____

Date _____

Sydney **Level 13, 189 Kent Street, Sydney NSW 2000** Tel **02 9251 5222** Fax **02 9247 5911** Email **info@jonespartners.net.au**
Norwest Tel **02 9894 9966** | Narellan Tel **02 4647 7468** | Miranda Tel **02 8236 2790**

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www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

URGENT AND IMPORTANT

[REDACTED]

[REDACTED]

Dear Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

Further to the 22 November Orders, attached for your attention as **Annexure "A"** is a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders. The Notice has been issued to you on the basis that Ms Caddick held a bank account with you, being [REDACTED]

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this letter.

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel

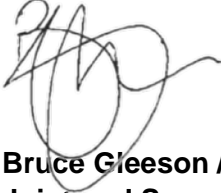
www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*

6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and

3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
13. Liberty to apply on 48 hours' notice.

Other

14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

EXHIBIT NOTE BG - 21

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -21" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:47 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:48 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:48 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:51 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: [REDACTED]
Sent: Monday, 29 November 2021 6:51 PM
To: Vanessa Duckworth
Subject: Automatic reply: The Property of Melissa Louise Caddick (Receivers Appointed)

This is an automatic reply. Please note that unsolicited emails sent to this address will not be acknowledged or actioned.

If you were asked to send information to this address, the email will be attached to your account and one of our representatives will contact you if needed.

If you have queries about your Account, please call the number on the back of your Card or your local [REDACTED] Office.

Australia and New Zealand: [REDACTED]

Singapore: [REDACTED]

Taiwan: [REDACTED]

Hong Kong: [REDACTED]

United Kingdom: [REDACTED]

[REDACTED] made the following annotations

"This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. Thank you."

[REDACTED] a ajouté le commentaire suivant

Ce courrier et toute pièce jointe qu'il contient sont réservés au seul destinataire indiqué et peuvent contenir des renseignements confidentiels et privilégiés. Si vous n'êtes pas le destinataire prévu, toute divulgation, duplication, utilisation ou distribution du courrier ou de toute pièce jointe est interdite. Si vous avez reçu cette communication par erreur, veuillez nous en aviser par courrier et détruire immédiatement le courrier et les pièces jointes. Merci.

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:51 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed) Reference EFFWL868

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed) Reference EFFWL868

Ryan Grant

From: [REDACTED]
Sent: Monday, 29 November 2021 6:52 PM
To: Vanessa Duckworth
Subject: Automatic reply: The Property of Melissa Louise Caddick (Receivers Appointed) Reference EFFWL868

Thank you for your email.

If your email is in regards to a password, please ensure you have included your best contact phone number. A team member will contact you to provide the password. Unfortunately we are unable to provide passwords via email.

The global spread of COVID-19 has impacted select parts of our operations. We are working hard to minimise disruption to customers but expect there will be impacts to processes and customer wait times. We sincerely appreciate your patience while we continue to support our customers through this difficult period.

To help us continue to deliver for our customers, we appreciate your support by:

- * Do not copy other email boxes or persons in to the email.
- * Avoid duplicating escalations to ensure we are best able to respond and support our customers.

Confidential communication

[REDACTED]

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:52 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed) Reference 0000166809

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed) Reference 0000166809

Ryan Grant

From: [REDACTED]
Sent: Monday, 29 November 2021 6:53 PM
To: Vanessa Duckworth
Subject: Automatic reply: The Property of Melissa Louise Caddick (Receivers Appointed) Reference 0000166809

Thank you for contacting the **Service and Payments Team**. Your request has been received and will be indexed into one of our queues shortly.

We endeavour to action International/RTGS payment requests same day if received within a reasonable timeframe prior to cut off, all other payment related requests within a 24-hour turnaround time and all other enquires within a 48-hour turnaround time. For payment cut-off times please see the [REDACTED]

To ensure you have provided the correct information for your enquiry/request and to avoid any delays in processing your request, please refer to the below helpful information.

Request type	What you need
International/RTGS Payments	<p>All International/RTGS payments will require the International Transfer/RTGS Application Form to be completed.</p> <p>This can be located at [REDACTED] > Find a form > General > International Transfer or Real Time Gross Settlement application Form (PDF)</p> <p>Your instructions must include:</p> <ul style="list-style-type: none">• Completion of all sections of the application form• Must be hand signed and dated within the last 7 days. Please note that we cannot accept digital signatures.
Payments to Other Financial Institutions and to [REDACTED] accounts	<p>All payments to OFI's or within [REDACTED] require hand signed instructions.</p> <p>Your instructions must include:</p> <ul style="list-style-type: none">• BSB & Account no. to debit• BSB & Account no. to credit• Amount of payment

	<ul style="list-style-type: none"> • Must be hand signed. Please note that we cannot accept digital signatures.
Account closures (funds in account)	<p>Where funds of any amount are to be disbursed upon closure of an account, we require hand signed instructions.</p> <p>Your instructions must include:</p> <ul style="list-style-type: none"> • BSB & Account no. of account to be closed • BSB & Account no. to credit your closing balance • Amount of payment • Must be hand signed. Please note that we cannot accept digital signatures. <p>Please note that we cannot accept digital signatures.</p>
Account closures (nil balance)	<p>If you use Online Business Banking or Personal Online Banking, you may send your <u>nil balance</u> account closure request via email from your secure bankmail on the facility.</p> <p>If you do not use these facilities, we require hand signed instructions.</p> <p>Your instructions must include:</p> <ul style="list-style-type: none"> • BSB & Account no. of account to be closed • Must be hand signed. Please note that we cannot accept digital signatures.
Term Deposit prepayments (in grace)	<p>All payments to Other Financial Institutions or within [REDACTED] require hand signed instructions.</p> <p>Your instructions must include:</p> <ul style="list-style-type: none"> • BSB & Account no. of Term Deposit to debit • BSB & Account no. to credit the prepayment • Amount of prepayment • Must be hand signed. Please note that we cannot accept digital signatures.
Term Deposit prepayments (not in grace e.g., 31-day notice or Term Deposit hardship requests)	<p>All Term Deposit prepayments for Term deposits not in grace require a hand signed [REDACTED] Term Deposit Request form (TD3).</p> <p>The TD3 form must include:</p> <ul style="list-style-type: none"> ○ BSB & Account no. of Term Deposit to debit ○ BSB & Account no. to credit the prepayment ○ Amount of prepayment

	<ul style="list-style-type: none"> ○ Must be hand signed. Please note that we cannot accept digital signatures. <p>For Term Deposit Hardship requests, we may contact you to obtain additional supporting documents which support your request to prepay your Term Deposit before its maturity.</p>
Audit certificates	<p>All audit requests should include an audit certificate template which is signed in accordance with the method of operation on the account e.g. 2 to sign accounts must be signed by two account signatories.</p> <p>The audit certificate template or signed cover letter should include details of where the \$60.00 audit certificate fee can be debited from. Please note we are unable to debit this fee from Other Financial Institutions or any [REDACTED] online savings or Term Deposit accounts.</p>
Xero or MYOB/Banklink activation requests	<p>Please note that we are unable to accept any application forms for Xero or MYOB/Banklink activation.</p> <p>These should instead be returned to Xero or MYOB/Banklink for processing. Once they have verified the form, they will send the form to [REDACTED] for processing.</p>

****Please note that our email address for all correspondence is [REDACTED] If you have emailed [REDACTED] we have redirected your email to this inbox.**

Disclaimer

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Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:53 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed) Reference [LEA-61089]

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed) Reference [LEA-61089]

EXHIBIT NOTE BG - 22

COURT DETAILS


Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -22" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SMPNEY NSW 2000

Vanessa Duckworth

From: [REDACTED]
Sent: Friday, 3 December 2021 3:39 PM
To: Vanessa Duckworth
Subject: RE: The Property of Melissa Louise Caddick (Receivers Appointed) : S-9683373



Hi Team,

We've forwarded your below query to the relevant department.

Note: Please keep the service request ID S-9683373 on the subject line when responding to this email.

Kind regards,
[REDACTED]

From: Vanessa Duckworth <vduckworth@jonespartners.net.au>
Sent: Monday, November 29, 2021 3:47 PM
To: [REDACTED]
Cc: Bruce Gleeson <bgleeson@jonespartners.net.au>; Daniel Soire <dsoire@jonespartners.net.au>; Martin Vu <MVu@jonespartners.net.au>
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Importance: High

Dear Sir/Madam,

Please find attached letter dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the letter is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We [REDACTED]
of... [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [REDACTED] _____
Name: [REDACTED] _____
Date 1 December 2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I [REDACTED]

of [REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signe [REDACTED]

Name [REDACTED]

Date: 16 December 2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Vanessa Duckworth

From: [REDACTED]
Sent: Wednesday, 8 December 2021 3:44 PM
To: Vanessa Duckworth
Subject: M.L. CADDICK - our ref: EFJXV787

Good afternoon,

This email is just to confirm receipt of your letter dated 29 November. Please let us know if this is sufficient for your purposes.

Our reference: EFJXV787

Regards

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Confidential communication

[REDACTED]



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention to
Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I [REDACTED]
[REDACTED]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date: 8 December 2021

EXHIBIT NOTE BG - 23


COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -23" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
24, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:22 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
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W: www.jonespartners.net.au



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Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Thursday, 25 November 2021 4:02 PM
To: [REDACTED]
Cc: Kyna Messias
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 24 November 2021 6:11 PM
To: [REDACTED]
Cc: Kyna Messias; Suzi Stojanovski
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED] Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 2:47 PM
To: Vanessa Duckworth
Cc: Martin Vu
Subject: FW: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

From: Kyna Messias <ksm@swaab.com.au> **On Behalf Of** Michael Hayter
Sent: Thursday, 25 November 2021 4:35 PM
To: [REDACTED]
Cc: Kyna Messias <ksm@swaab.com.au>
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]

Dear [REDACTED]

Please see attached.

Kind regards,

Kyna Messias
Legal Secretary - Litigation
Swaab
T +61 2 9233 5544 | F +61 2 9233 5400
ksm@swaab.com.au | www.swaab.com.au



Level 4, 20 Hunter Street, Sydney NSW 2000 | DX 522 Sydney

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Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Thursday, 25 November 2021 5:56 PM
To: [REDACTED]
Cc: Kyna Messias
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 24 November 2021 6:09 PM
To: [REDACTED]
Cc: Kyna Messias; Suzi Stojanovski
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:23 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf
Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 6:05 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Creditors / Investors dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:24 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Ryan Grant

From: Vanessa Duckworth
Sent: Monday, 29 November 2021 7:24 PM
To: [REDACTED]
Cc: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 211129 Letter to [REDACTED] Notice of Intention to Realise Property.pdf

Importance: High

Dear [REDACTED]

Please find attached Circular to Potential Affected Parties dated 29 November 2021 regarding the above matter for your attention.

We request that Annexure "B" of the Circular is completed and returned to us to confirm receipt of same. A copy has also been sent via express post.

If you have any questions, please do not hesitate to contact myself or Mr Martin Vu of this office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth
Supervisor



Level 13, 189 Kent Street, Sydney NSW 2000
T: 61 2 9251 5222 | F: 61 2 9247 5911
E: vduckworth@jonespartners.net.au
W: www.jonespartners.net.au



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Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 24 November 2021 6:07 PM
To: [REDACTED]
Cc: Kyna Messias; Suzi Stojanovski
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

EXHIBIT NOTE BG - 24

COURT DETAILS

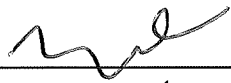
Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -24" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN NAYLOR
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you were noted in the Last Will and Testament of Ms Caddick dated 30 August 2019.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

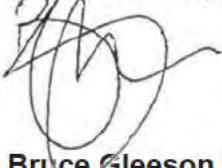
Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

25 November 2021



Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

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F +61 2 9233 5400

swaab.com.au

Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

As you are aware, we act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

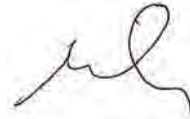
A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

24 November 2021

Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400



swaab.com.au




Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

We act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We write to you in your capacity as carer for . Should you no longer be the carer of  can you please urgently confirm this and who you understand to be the carer.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you and  are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

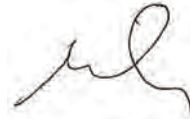
A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.


You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

25 November 2021

Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400



swaab.com.au




Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

We act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We write to you in your capacity as carer for . Should you no longer be the carer of  can you please urgently confirm this and who you understand to be the carer.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you and  are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
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 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

25 November 2021

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400

swaab.com.au

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

We act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We write to you in your capacity as carer for [REDACTED]. Should you no longer be the carer of [REDACTED] can you please urgently confirm this and who you understand to be the carer.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you and [REDACTED] are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vacluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

If you in your capacity as carer for [REDACTED] wish to clarify the position regarding property and / or possessions of [REDACTED] that are at the Vacluse property, we invite you to advise us accordingly.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,



Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

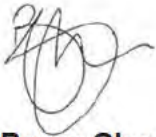
You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 25 of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

24 November 2021



Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
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Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

As you are aware, we act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Caddick.

Could you confirm receipt of the email, otherwise we will have to arrange personal service. We note you previously indicated you would not be making a claim upon the Vaucluse property. Could you confirm that this is still your position and further that you will assist our clients in the sale process by signing a contract for sale and directing the sale proceeds to the Receivership Trust Account. Thank you in anticipation of your assistance.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you were noted in the Last Will and Testament of Ms Caddick dated 30 August 2019.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

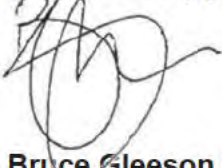
Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Creditor / Investor
As Addressed

Circular to Creditors and Investors

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

We also refer to all previous correspondence issued to Creditors and Investors. Please see our comments in Section E below regarding obtaining access to such documents should you require same.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick;
 - c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

In short and importantly, the 22 November Orders provide for a regime for us, as Receivers, to realise the Receivership Property and distribute the funds. It also provides us the powers in our capacity of Joint and Several Liquidators to sell assets of the Company, being the motor vehicles.

We regard the 22 November Orders as a significant and positive step in being able to progress the matter in an orderly and systematic manner.

C. Notice of Intention to Realise Property

Given the above, please find attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick. We can confirm that prior to issuing this Circular, we have issued Notices to various family members of Ms Caddick including [REDACTED].
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised. We will make such application as a matter of priority.
3. We are also prioritising and moving ahead with realising assets, other recoveries and investigations relating to the Company, including:
 - a. The motor vehicles;
 - b. A claim to tax refunds the Australian Taxation Office which relate tax paid on fictitious taxable income declared by the Company over many years; and
 - c. Conducting further investigations into other aspects identified in our Reports to the Court dated 15 February 2021 to potentially assist in making recoveries for Investors.

We anticipate issuing a Report to Creditors / Investors early next year to provide a further detailed update regarding the Receivership and Liquidation of the Company.

E. Previous Correspondence / Other Information

As mentioned above, should you require copies of previous correspondence issued in this matter and the Provisional Liquidation / Liquidation of the Company and the judgment, please see login details below to download the correspondence:

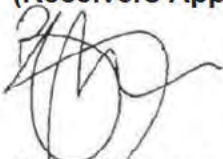
Creditors Portal Web Address:		
Login Username:		
Login Password:		

You may subscribe to our mailing list by entering your email address on the Creditors Portal. By subscribing to the mailing list, you are nominating to receive all future correspondence, notices and reports in this matter via email.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a series of loops and a trailing line.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, featuring a large, elegant loop at the top followed by a series of smaller loops and a trailing line.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

- 2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
- 3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
- 4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
- 5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

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www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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light at the end of the tunnel

www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you were noted in the Last Will and Testament of Ms Caddick dated 30 August 2019.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

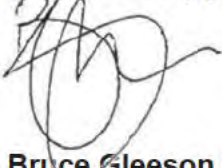
Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
Insolvency & Restructuring
Chartered Accountants

29 November 2021

To the Party
As Addressed

Circular to Potential Affected Parties

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

A. Background

We refer to our appointment as Joint and Several Receivers of the Property of Melissa Louise Caddick on 15 December 2020 ("15 December Orders") pursuant to Orders made in the Federal Court of Australia by the Honourable Justice Markovic.

The 15 December Orders were made on an *interim* basis and we can confirm that on 22 November 2021 ("22 November Orders"), the Honourable Justice Markovic made Orders that we be appointed Receivers of the Property of Melissa Louise Caddick on a *final* basis. Under the 22 November Orders, we were also appointed Joint and Several Liquidators of Maliver Pty Ltd ("the Company"). Ms Caddick is the sole director and shareholder of the Company. The 22 November Orders were made as a result of the application by the Australian Securities and Investments Commission ("ASIC") which was heard in late June 2021.

B. 22 November Orders

The key aspects of the 22 November Orders are as follows:

1. Ms Caddick and the Company were found to have contravened Section 911A of the Corporations Act 2001 ("the Act") in that they carried on a financial services business without holding an Australian Financial Services Licence ("AFSL").
2. Our appointment as Receivers was made for the purposes of:
 - a. identifying, collecting and securing the Receivership Property (as defined below);
 - b. identifying the extent and quantum of Out-of-Pocket Investors and creditors of Ms Caddick

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

- c. taking possession and realising the Receivership Property;
 - d. establishing an interest-bearing account for the purposes of holding any net proceeds of realisation of Receivership Property ("Trust Account"); and
 - e. seeking directions in relation to the distribution of funds held in our Trust Account.
3. Prior to taking possession of or realising any of the Receivership Property, we are required to:
- a. give notice to any interested party of our intention to do so and inform those parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
4. Prior to distributing any funds in the Trust Account, we are required to:
- a. give notice to any interested party of our intention to do so and inform the said parties in writing that they should:
 - i. advise the Receivers within 15 business days if they object to the distribution of funds and specific the basis of their objection; and
 - ii. provide documentary evidence in support of their objection; and
 - b. seek directions from the Court in relation to our intention to do so.
5. Our appointment as Joint and Several Liquidators of the Company was also made.

Receivership Property is defined in the 22 Novembers Orders means all property (as defined in section 9 of the *Corporations Act 2001* (Cth)) of the first defendant, being Ms Melissa Louise Caddick. We note that this includes but is not limited to:

- All real property registered in the name of Melissa Louise Caddick;
- All shares listed or otherwise in the name of Melissa Louise Caddick; and
- All personal effects including paintings and jewellery of Melissa Louise Caddick.

C. Notice of Intention to Realise Property

We note that to date, you have not provided any details of any potential claim in the Receivership or Liquidation of the Company, however you are being provided with the below mentioned Notice on the basis that you were noted in the Last Will and Testament of Ms Caddick dated 30 August 2019.

Attached as **Annexure "A"** a Notice addressed to you of our Intention to Realise Property pursuant to the 22 November Orders.

To confirm receipt of same, we request that you provide a completed Confirmation of Receipt which is attached as **Annexure "B"** by the end of the notice period, being 15 business days after the date of this Circular.

D. Next steps

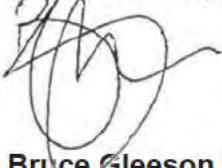
Our current focus is on the following areas:

1. Giving notice to affected parties whereby they have 15 business days to object to us taking possession of or realising the assets of Ms Caddick.
2. Once the notice periods expire (i.e. the 15 business days), we are then required to make an application to the Federal Court of Australia for further directions regarding proceeding to realise the Receivership Property. As part of such application, the Court will consider and deal with any objections that may be raised.

Should you have any questions or require any further information regarding this matter, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 29th of November 2021

A handwritten signature in black ink, appearing to be 'B Gleeson', with a large loop at the end.

Bruce Gleeson
Joint and Several Receiver

A handwritten signature in black ink, appearing to be 'D Soire', with a large loop at the end.

Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD



Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date _____

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

24 November 2021

[REDACTED]

Dear [REDACTED]

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

As you are aware, we act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties. We note that you act for on behalf of [REDACTED] in the Federal Court Proceedings.

We attach by way of service upon [REDACTED] a Notice pursuant to Order 6 of the Judgment to [REDACTED] that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by your clients, your clients are required to advise our clients within 15 business days if they object to the taking of possession or sale of any of the Receivership Property and specify the basis of their objections and provide documentary evidence in support of their objections. If your clients choose not to provide details of any objections then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400

swaab.com.au

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

[REDACTED]


 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick;
and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

You have previously provided details of monies paid by your clients to their daughter and her Company, Maliver Pty Ltd. In reply we have requested your clients provide specific details of payments (for clarity source documents) they have received from their daughter and her Company. Our clients need and require this information as soon as possible. Please confirm your clients will provide the information.

Yours Truly,

A handwritten signature in black ink that reads "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

EXHIBIT NOTE BG - 25

COURT DETAILS


Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -25" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022


Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:23 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:23 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 6:05 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:24 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

Ryan Grant

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, 29 November 2021 7:24 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

EXHIBIT NOTE BG - 26

COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -26" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2006



Jones Partners
Insolvency & Restructuring
Chartered Accountants

Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....
confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November
2021 received from & Daniel Robert Soire in their capacity as Joint
and Seve
Signed _____
Name: _____
Date 05.03.2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA

Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:26 PM
To: Suzi Stojanovski
Subject: FW: [REDACTED] has shared a folder with you using Dropbox [SWA-AB.FID348319]

From: [REDACTED]
Sent: Wednesday, 15 December 2021 4:30 PM
To: Michael Hayter <mkh@swaab.com.au>
Subject: [REDACTED] has shared a folder with you using Dropbox

Hi Michael

Here's a link to "Objections" in my Dropbox:

[REDACTED]

Michael Hayter
Swaab Lawyers

Dear Mr Hayter,

I refer to your letter of 24 November.

I confirm that I am still the carer for [REDACTED]

I refer to the listing of specific receivership property on page 2 of your letter and seek to confirm that the following is not receivership property:

- Any bank accounts in the name of [REDACTED]
- All personal effects of [REDACTED]
- All personal effects of myself, including watches and jewellery. Some of this includes jewellery given by Stefano Canturi to me. (See Annexure A)

In the event that you consider the above to be receivership property, please advise and I will provide further details regarding objections to sale.

There are certain items in the personal effects which I object to selling. That is because, although they fall into the definition of receivership property, they were either:

- Given to Melissa, either by myself or third persons (and therefore not purchased with investor funds); or
- Purchased prior to any funds were received from investors

and as such, cannot be traced into.

Further, they are unique and/or sentimental such that the proceeds would not adequately compensate our family.

These include:

- The John Olsen paintings
- Melissa's engagement and wedding ring (see Annexure B)
- Handbags that I gave to Melissa: a blue Bugatti bag, and a floral print Louis Vuitton sequence bag

I will also note that I believe that the Audi R8 is held (at least in part) on resulting trust for me.

Throughout our relationship, I gave the majority of my income from hairdressing to Melissa for the purposes of paying for the financing of the R8 (and previously, the RS5). In addition, I provided my previous cars as trade-ins for the purchase of the various Audi vehicles.

I have enclosed (as Annexure C) a copy of my business bank account statement which has been highlighted in places to identify cash withdrawals which were given to Melissa for this purpose. There is also a summary worksheet which tabulates the highlighted entries.

For the years prior to 2017, I gave money to Melissa for this purpose in a similar proportion to my income. I have sought additional records from the ATO and my bank and will provide these when available.

In making these objections, I only identify objections to the possession and sale of property, and reserve rights regarding any property interests I have in the Receivership property in my own right, and as a potential claimant on Melissa's estate either in probate or under family law proceedings. I will make those claims at the time you approach the Court to distribute the proceeds of the Receivership Property.

From: [Michael Hayter](#)
To: [REDACTED]
Cc: [Bruce Gleeson](#); [Daniel Soire](#); [Vanessa Duckworth](#)
Subject: RE: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment")
Date: Thursday, 25 November 2021 1:04:24 PM
Attachments: [image001.png](#)

Mr [REDACTED]
Thanks for clarifying.

Michael Hayter
Partner
Swaab
T +61 2 9233 5544 | F +61 2 9233 5400
mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

From: [REDACTED]
Sent: Thursday, 25 November 2021 12:31 PM
To: Michael Hayter <mkh@swaab.com.au>
Subject: Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Michael

Thank you for your email.

[REDACTED] resides with me full time. He has done since 2102. I am his Gardian.

Thanks
[REDACTED]

On 24 Nov 2021, at 6:33 pm, [REDACTED] wrote:

Begin forwarded message:

From: Michael Hayter <mkh@swaab.com.au>
Date: 24 November 2021 at 6:11:24 pm AEDT
To: [REDACTED]
Cc: Kyna Messias <kms@swaab.com.au>, Suzi Stojanovski <sxs@swaab.com.au>
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)



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Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:27 PM
To: Suzi Stojanovski
Subject: FW: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

From: [REDACTED]
Sent: Thursday, 25 November 2021 6:12 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: Kyna Messias <ksm@swaab.com.au>
Subject: Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]

I acknowledge receipt and shall discuss with my son on weekend 4/5 december.

Kind regards

[REDACTED]

Sent from my iPhone

On 25 Nov 2021, at 5:55 pm, Michael Hayter <mkh@swaab.com.au> wrote:

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | Profile | vCard



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Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:31 PM
To: Suzi Stojanovski
Subject: FW: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

From: [REDACTED]
Sent: Thursday, 25 November 2021 12:18 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: Kyna Messias <ksm@swaab.com.au>; Suzi Stojanovski <sxs@swaab.com.au>
Subject: Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Dear Mr Hayter,

I acknowledge receipt of your email dated 24 November 2021.

I confirm that I will not be making a claim on the [REDACTED] property.

I will advise any objections prior to the 15 business days outlined in your correspondence.

Thank you

[REDACTED]

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, November 24, 2021 06:09 PM
To: [REDACTED]
Cc: Kyna Messias <ksm@swaab.com.au>; Suzi Stojanovski <sxs@swaab.com.au>
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | Profile | vCard



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Jones Partners
Insolvency & Restructuring
Chartered Accountants

**Confirmation of Receipt – Notice of Intention
to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We
of.....

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed _____
Name: _____
Date 08/12/2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RITF **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
Senior Consultant **AG Topp** B.Bus, CA



Jones Partners
 Insolvency & Restructuring
 Chartered Accountants

Annexure "B"

Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We [Redacted] of [Redacted]

confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed [Redacted]
 Name: [Redacted]
 Date: 11/12/2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
 Newcastle Tel 02 9394 9966 | Brisbane Tel 02 4647 7468 | Miranda Tel 02 8236 3790

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Principal: MG Jones BA, ACA B Gleeson & Daniel, ACA, BSB DR Soire BA, ACA, CA MD Vu BA, ACA, CA
 Senior Consultant AG Topp BA, CA



Jones Partners
 Insolvency & Restructuring
 Chartered Accountants

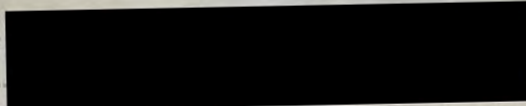
Annexure "B"

**Confirmation of Receipt – Notice of Intention
 to Realise the Receivership Property**

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

I/We

of.....

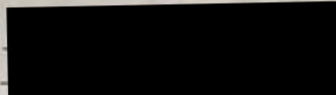


confirm receipt of the Notice of Intention to Realise the Receivership Property dated 29 November 2021 regarding the above matter from Bruce Gleeson & Daniel Robert Soire in their capacity as Joint and Several Receivers.

Signed

Name:

Date



7/12/2021

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
 Norwest Tel 02 9894 9966 | Narellan Tel 02 4647 7468 | Miranda Tel 02 8236 2790

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www.jonespartners.net.au

Principals **MG Jones** BA, FCA **B Gleeson** B.Comm, FCA, RFP **DR Soire** B.Comm, CA **MD Vu** B.Comm, CA
 Partner **AG Todd** B.Bus. CA

Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:26 PM
To: Suzi Stojanovski
Subject: FW: Caddick [SWA-AB.FID348319]
Attachments: Letter [REDACTED] 23-6-21 (S2181058xD43CF).PDF; [REDACTED] - Hayter letter 3 Dec 2021(409323834.2).pdf

From: [REDACTED]
Sent: Friday, 3 December 2021 6:15 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: [REDACTED]
Subject: Caddick

Dear Michael

Please see our letter [attached](#).

For convenience, I also [attach](#) your letter of 23 June 2021.

We look forward to hearing from you.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Washington, DC

* Associated Firm

** In cooperation with
Trench, Rossi e Watanabe
Advogados

3 December 2021

Michael Hayter
Swaab
Level 4
20 Hunter Street
Sydney NSW 2000

Dear Michael

Melissa Caddick: [REDACTED]

As you know, [REDACTED] acts, on a pro bono basis, for [REDACTED]
[REDACTED]

We refer to the Notice dated 24 November 2021 served on the [REDACTED] by the Receivers pursuant to order 6 of the orders of Justice Markovic on 22 November 2021 (**Notice**).

We also refer to our previous discussions with you and the Receivers earlier this year in relation to the interest asserted by [REDACTED] in relation to the property at [REDACTED] [REDACTED] and in particular to your letter of 23 June 2021.

[REDACTED] consider it likely that their contribution to the purchase of the [REDACTED] [REDACTED], and their interest in it, was disclosed to the NAB in connection with the Loan. Of course, if [REDACTED] interest in the [REDACTED] is ultimately the subject of litigation, then documents relating to the Loan will likely be discoverable or amenable to a subpoena.

To facilitate [REDACTED] response to the Notice, and to facilitate a resolution of their interest in the [REDACTED] as quickly, inexpensively and efficiently as possible, we would be grateful if any documents in the Receivers' possession, power or control relating to the Loan were provided to us within 5 days of this letter.

We anticipate that such documents would include:

- (a) the Loan application and any supporting documents provided by Ms Caddick to [REDACTED] in relation to the Loan;
- (b) the offer documentation in relation to the Loan;
- (c) the documents evidencing the Loan and the security for the Loan; and

(d) any written communications between Ms Caddick and [REDACTED] in relation to the Loan.

We are very happy to discuss appropriate confidentiality terms on which the documents could be provided.

[REDACTED] reserve the right to bring this letter to the attention of the Court.

Yours faithfully

[REDACTED]

EXHIBIT NOTE BG - 27


COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -27" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAWTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Thursday, 25 November 2021 4:02 PM
To: [REDACTED]
Cc: Kyna Messias
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 24 November 2021 6:11 PM
To: [REDACTED]
Cc: Kyna Messias; Suzi Stojanovski
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED] Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 2:47 PM
To: Vanessa Duckworth
Cc: Martin Vu
Subject: FW: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

From: Kyna Messias <ksm@swaab.com.au> **On Behalf Of** Michael Hayter
Sent: Thursday, 25 November 2021 4:35 PM
To: [REDACTED]
Cc: Kyna Messias <ksm@swaab.com.au>
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]

Dear [REDACTED]

Please see attached.

Kind regards,

Kyna Messias
Legal Secretary - Litigation
Swaab
T +61 2 9233 5544 | F +61 2 9233 5400
ksm@swaab.com.au | www.swaab.com.au



Level 4, 20 Hunter Street, Sydney NSW 2000 | DX 522 Sydney

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Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Thursday, 25 November 2021 5:56 PM
To: [REDACTED]
Cc: Kyna Messias
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 24 November 2021 6:09 PM
To: [REDACTED]
Cc: Kyna Messias; Suzi Stojanovski
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

Vanessa Duckworth

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, 24 November 2021 6:07 PM
To: [REDACTED]
Cc: Kyna Messias; Suzi Stojanovski
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

EXHIBIT NOTE BG - 28

COURT DETAILS

Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -28" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HALTER
SOLICITOR
L 4, 20 HUNTER ST
SYDNEY NSW 2000

25 November 2021



Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400

swaab.com.au

Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

As you are aware, we act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

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We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

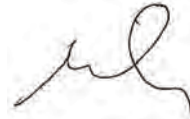
A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

24 November 2021

Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400



swaab.com.au




Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

We act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We write to you in your capacity as carer for . Should you no longer be the carer of  can you please urgently confirm this and who you understand to be the carer.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you and  are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

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LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.**
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and**
 - (b) *seek directions from the Court in relation to their intention to do so.**

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

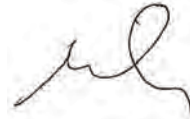
A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
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 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
 9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
 10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
 11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
 12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
 13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
 14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
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 16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

25 November 2021

Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400



swaab.com.au




Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

We act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We write to you in your capacity as carer for . Should you no longer be the carer of  can you please urgently confirm this and who you understand to be the carer.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you and  are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email


 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

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Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
- (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

25 November 2021

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

T +61 2 9233 5544
F +61 2 9233 5400

swaab.com.au

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

We act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We write to you in your capacity as carer for [REDACTED]. Should you no longer be the carer of [REDACTED] can you please urgently confirm this and who you understand to be the carer.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you and [REDACTED] are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not to raise any objections, then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vacluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

If you in your capacity as carer for [REDACTED] wish to clarify the position regarding property and / or possessions of [REDACTED] that are at the Vacluse property, we invite you to advise us accordingly.

Please acknowledge receipt of this e-mail and attached Notice so that we don't have to arrange personal service upon you. Thank you for your assistance. If you have any queries, please feel free to contact me.

Yours Truly,

A handwritten signature in black ink that reads "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:



In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that (among other aspects):

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

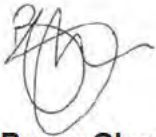
You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.


A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 25 of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

24 November 2021



Swaab

ABN 71 028 846 652

Level 4, 20 Hunter Street
Sydney NSW 2000

DX 522 Sydney NSW

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Dear 

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

As you are aware, we act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties.

We attach by way of service upon you a Notice pursuant to Order 6 of the Judgment that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by you, you are required to advise our clients within 15 business days if you object to the taking of possession of or sale of any of the Receivership Property and specify the basis of your objections and provide documentary evidence in support of their objections. If you choose not the raise any objections then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Contact

Michael Hayter
Partner
mkh@swaab.com.au

Our ref
216008

By email


 **MERITAS**[®]
LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Caddick.

Could you confirm receipt of the email, otherwise we will have to arrange personal service. We note you previously indicated you would not be making a claim upon the Vaucluse property. Could you confirm that this is still your position and further that you will assist our clients in the sale process by signing a contract for sale and directing the sale proceeds to the Receivership Trust Account. Thank you in anticipation of your assistance.

Yours Truly,

A handwritten signature in black ink that reads "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
- (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

24 November 2021

[REDACTED]

Dear [REDACTED]

**Australian Securities and Investments Commission vs Caddick 2021 FCA
1443
Judgment Delivered 22 November 2021 ("the Judgment")**

As you are aware, we act for Mr Bruce Gleeson and Mr Daniel Robert Soire who pursuant to a Judgment of her Honour Justice Markovic on 22 November 2021 have been appointed Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick.

We refer to the terms of the Judgment and note that prior to realisation of Receivership Property our clients are required to give notice in writing to affected parties. We note that you act for on behalf of [REDACTED] in the Federal Court Proceedings.

We attach by way of service upon [REDACTED] a Notice pursuant to Order 6 of the Judgment to [REDACTED] that our clients intend to take possession of and realise Receivership Property as specified in the Judgment and identified with more particularity below. We note that pursuant to the terms of the Judgment and after receipt of the attached Notice by your clients, your clients are required to advise our clients within 15 business days if they object to the taking of possession or sale of any of the Receivership Property and specify the basis of their objections and provide documentary evidence in support of their objections. If your clients choose not to provide details of any objections then such matter will be advised to the Federal Court when our clients make an application (sometime after the expiration of 15 business days) authorising them to sell such Receivership Property.

Swaab

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Contact

Michael Hayter
Partner

mkh@swaab.com.au

Our ref
216008

[REDACTED]


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LAW FIRMS WORLDWIDE

We note that a reference to the Receivership Property includes but is not limited to;

- a) The Edgecliff property registered in the name of Melissa Louise Caddick;
- b) The Vaucluse property registered in the names of Melissa Louise Caddick and [REDACTED]
- c) All shares whether listed or otherwise in the name of Melissa Louise Caddick; and
- d) All personal effects including paintings and jewellery of Melissa Louise Caddick.

You have previously provided details of monies paid by your clients to their daughter and her Company, Maliver Pty Ltd. In reply we have requested your clients provide specific details of payments (for clarity source documents) they have received from their daughter and her Company. Our clients need and require this information as soon as possible. Please confirm your clients will provide the information.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Hayter". The signature is written in a cursive style with a long horizontal stroke at the end.

Michael Hayter

NOTICE OF INTENTION TO REALISE THE RECEIVERSHIP PROPERTY

Re: The Property of Melissa Louise Caddick (Receivers Appointed)

**Pursuant to the Judgment of The Honour Justice Markovic in the Federal Court
proceedings No NSD 1220 of 2020**

To:

[REDACTED]

[REDACTED]

In accordance with an Order made by the Federal Court of Australia on 22 November 2021 by the Honourable Justice Markovic, the Court made Orders that:

4. *Pursuant to s1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (Receivers) of the Receivership Property for the purposes of:*
 - (a) *identifying, collecting and securing the Receivership Property; and*
 - (c) *subject to Order 6 below, taking possession of and realising the Receivership Property.*
6. *Before taking possession of or realising any of the Receivership Property, the Receivers shall:*
 - (a) *give notice to any interested party of their intention to do so and inform those parties in writing that they should:*
 - (i) *advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and*
 - (ii) *provide documentary evidence in support of their objection; and*
 - (b) *seek directions from the Court in relation to their intention to do so.*

Receivership Property means all property (as defined in section 9 of the Corporations Act 2001 (Cth) of the first defendant (being Ms Melissa Louise Caddick).

In accordance with Order 6(a) above, you may be an interested party and are therefore advised and given notice that we intend to take possession of and realise the Receivership Property. Receivership Property includes but is not limited to:

1. All real property registered in the name of Melissa Louise Caddick;
2. All shares listed or otherwise in the name of Melissa Louise Caddick; and
3. All personal effects including paintings and jewellery of Melissa Louise Caddick.

You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

In the event no objection is received from you within 15 business days, we intend to seek directions from the Court to proceed with taking possession of and sale of the Receivership Property.

A full copy of the Orders is attached to this Notice for ease of reference.

If you have any questions regarding this Notice, please contact Mr Martin Vu or Ms Vanessa Duckworth of this office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Dated 24th of November 2021



Bruce Gleeson
Joint and Several Receiver



Daniel Robert Soire
Joint and Several Receiver



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 November 2021

WHERE MADE: Sydney

In these orders:

Investor Funds means the monies received by either the first or second defendant from investors as itemised in Updated Annexure I, including amounts paid as “management fees”.

Out of Pocket Investors includes the investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

Receivership Property means all property (as defined in section 9 of the *Corporations Act 2001* (Cth) of the first defendant.

Receivers’ Report means the report prepared by Bruce Gleeson and Daniel Robert Soire as receivers of the property of the first defendant dated 15 February 2021.

Updated Annexure I means the updated version of annexure I to the Receivers’ Report, a confidential copy of which is attached to the affidavit of Bruce Gleeson sworn 12 May 2021 in this proceeding and identified with the heading “Updated Annexure I” (as updated from time to time).

THE COURT DECLARES THAT:

1. Each of the defendants, by providing financial product advice and dealing in a financial product, contravened s 911A of the Corporations Act in that they carried on a financial services business without holding an Australian Financial Services Licence:



- (a) in the case of the first defendant, from about October 2012 and continuing until about November 2020; and
- (b) in the case of the second defendant, from about June 2013 and continuing until about November 2020.

THE COURT ORDERS THAT:

2. Leave be granted to the plaintiff to file and serve a third further amended originating process in the form provided to the Court on 30 June 2021, to be filed electronically by 5.00 pm on 23 November 2021.
3. Leave be granted *nunc pro tunc* to the plaintiff, pursuant to s 471B of the Corporations Act, to continue this proceeding against the second defendant.
4. Pursuant to s 1101B(1) of the Corporations Act, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Receivers**) of the Receivership Property for the purpose of:
 - (a) identifying, collecting and securing the Receivership Property;
 - (b) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any interested party to the first defendant and the identity of all investors who, in the Receivers' view, ought to be included as an Out of Pocket Investor as well as any interested party who may be a creditor of the first defendant;
 - (c) subject to Order 6 below, taking possession of and realising the Receivership Property;
 - (d) to the extent necessary, establishing an interest-bearing account with an authorised deposit taking institution nominated by the Receivers for the purposes of holding any net proceeds of realisation of the Receivership Property (**Receivers' Trust Account**); and
 - (e) subject to Order 7 below, seeking directions in relation to the distribution of funds in the Receivers' Trust Account.
5. The Receivers have the following powers:



- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of, the objectives for which the Receivers are appointed;
 - (b) the powers under s 1101B(8) of the Corporations Act;
 - (c) the powers set out in s 420 of the Corporations Act save for the powers set out in subs 420(2)(d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that, wherever in that section the word 'corporation' appears, it shall be taken to include reference to the first defendant;
 - (d) the power to seek directions from the Court regarding any matter relating to the exercise of the Receivers' powers; and
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the first defendant, to provide such reasonable assistance (including access to any documents, books or records to which the first defendant has a right of access or control) to the Receivers as may be required from time to time.
6. Before taking possession of or realising any of the Receivership Property, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform those parties in writing that they should:
 - (i) advise the Receivers within 15 business days if they object to the taking possession of or sale of any of the Receivership Property and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
7. Before making any distribution of funds in the Receivers' Trust Account, the Receivers shall:
 - (a) give notice to any interested party of their intention to do so and inform the said parties in writing that they should:



- (i) advise the Receivers within 15 business days if they object to the distribution of funds in the Receivers' Trust Account and specify the basis of their objection; and
 - (ii) provide documentary evidence in support of their objection; and
 - (b) seek directions from the Court in relation to their intention to do so.
8. The above Orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Receivership Property.
 9. For the avoidance of doubt, nothing in these Orders is intended to limit the right of the Receivers to seek directions from the Court.
 10. Immediately upon Order 4 above taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant Order 5 of the Orders made on 15 December 2020 (**Interim Receivers**) be terminated.
 11. Pursuant to s 461(1)(k) of the Corporations Act, the second defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
 12. Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several liquidators of the second defendant (**Liquidators**).
 13. Order 7 of the Orders made on 10 November 2020 be varied and leave be granted to the plaintiff to provide the Liquidators with unredacted copies of the affidavits filed by the plaintiff in this proceeding.
 14. The remuneration, costs and expenses of the Interim Receivers for the period from 15 December 2020 to 22 February 2021 be fixed in the sum of \$188,017.84 inclusive of GST.
 15. Paragraphs 9E, 9H, 9D and 26 of the plaintiff's third further amended originating process and paragraphs 2-4 of the Interim Receivers' interlocutory application filed on 2 March 2021 be stood over to a date to be notified.
 16. Any party who wishes to make submissions in relation to the outstanding questions of costs referred to in Order 15 above is to file and serve written submissions, not exceeding four pages in length, by 13 December 2021.



THE COURT NOTES:

17. The redactions made in the copy of the reasons for judgment to be published on 24 November 2021 at 2.15 pm AEDT are made in accordance with the non-publication orders of this Court made in this proceeding.
18. The undertaking proffered by Bruce Gleeson and Daniel Robert Soire of Jones Partners that, if a possibility of conflict in or as between their roles as Receivers and Liquidators arises, they will approach the Court and give notice to the plaintiff and investors of that circumstance.

Date that entry is stamped: 22 November 2021

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918 AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE CADDICK
Second Defendant	MALIVER PTY LTD

EXHIBIT NOTE BG - 29

COURT DETAILS


Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -29" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
SOLICITOR
L4, 20 HUNTER ST
SYDNEY NSW 2000

Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:26 PM
To: Suzi Stojanovski
Subject: FW: [REDACTED] has shared a folder with you using Dropbox [SWA-AB.FID348319]

From: [REDACTED]
Sent: Wednesday, 15 December 2021 4:30 PM
To: Michael Hayter <mkh@swaab.com.au>
Subject: [REDACTED] has shared a folder with you using Dropbox

Hi Michael

Here's a link to "Objections" in my Dropbox:

[REDACTED]

Michael Hayter
Swaab Lawyers

Dear Mr Hayter,

I refer to your letter of 24 November.

I confirm that I am still the carer for [REDACTED]

I refer to the listing of specific receivership property on page 2 of your letter and seek to confirm that the following is not receivership property:

- Any bank accounts in the name of [REDACTED]
- All personal effects of [REDACTED]
- All personal effects of myself, including watches and jewellery. Some of this includes jewellery given by Stefano Canturi to me. (See Annexure A)

In the event that you consider the above to be receivership property, please advise and I will provide further details regarding objections to sale.

There are certain items in the personal effects which I object to selling. That is because, although they fall into the definition of receivership property, they were either:

- Given to Melissa, either by myself or third persons (and therefore not purchased with investor funds); or
- Purchased prior to any funds were received from investors

and as such, cannot be traced into.

Further, they are unique and/or sentimental such that the proceeds would not adequately compensate our family.

These include:

- The John Olsen paintings
- Melissa's engagement and wedding ring (see Annexure B)
- Handbags that I gave to Melissa: a blue Bugatti bag, and a floral print Louis Vuitton sequence bag

I will also note that I believe that the Audi R8 is held (at least in part) on resulting trust for me.

Throughout our relationship, I gave the majority of my income from hairdressing to Melissa for the purposes of paying for the financing of the R8 (and previously, the RS5). In addition, I provided my previous cars as trade-ins for the purchase of the various Audi vehicles.

I have enclosed (as Annexure C) a copy of my business bank account statement which has been highlighted in places to identify cash withdrawals which were given to Melissa for this purpose. There is also a summary worksheet which tabulates the highlighted entries.

For the years prior to 2017, I gave money to Melissa for this purpose in a similar proportion to my income. I have sought additional records from the ATO and my bank and will provide these when available.

In making these objections, I only identify objections to the possession and sale of property, and reserve rights regarding any property interests I have in the Receivership property in my own right, and as a potential claimant on Melissa's estate either in probate or under family law proceedings. I will make those claims at the time you approach the Court to distribute the proceeds of the Receivership Property.

From: [Michael Hayter](#)
To: [REDACTED]
Cc: [Bruce Gleeson](#); [Daniel Soire](#); [Vanessa Duckworth](#)
Subject: RE: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment")
Date: Thursday, 25 November 2021 1:04:24 PM
Attachments: [image001.png](#)

[REDACTED]
Thanks for clarifying.

Michael Hayter
Partner
Swaab
T +61 2 9233 5544 | F +61 2 9233 5400
mkh@swaab.com.au | www.swaab.com.au | [Profile](#) | [vCard](#)

From: [REDACTED]
Sent: Thursday, 25 November 2021 12:31 PM
To: Michael Hayter <mkh@swaab.com.au>
Subject: Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Michael

Thank you for your email.

[REDACTED] resides with me full time. He has done since 2102. I am his Gardian.

Thanks
[REDACTED]

On 24 Nov 2021, at 6:33 pm, [REDACTED] wrote:

Begin forwarded message:

From: Michael Hayter <mkh@swaab.com.au>
Date: 24 November 2021 at 6:11:24 pm AEDT
To: [REDACTED]
Cc: Kyna Messias <ksm@swaab.com.au>, Suzi Stojanovski <sxs@swaab.com.au>
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

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From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:27 PM
To: Suzi Stojanovski
Subject: FW: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]
Attachments: Letter and Notice to [REDACTED] (2).pdf

From: [REDACTED]
Sent: Thursday, 25 November 2021 6:12 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: Kyna Messias <ksm@swaab.com.au>
Subject: Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 [SWA-AB.FID327846]

I acknowledge receipt and shall discuss with my son on weekend 4/5 december.

Kind regards

[REDACTED]

Sent from my iPhone

On 25 Nov 2021, at 5:55 pm, Michael Hayter <mkh@swaab.com.au> wrote:

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter
Partner
Swaab
T +61 2 9233 5544 | F +61 2 9233 5400
mkh@swaab.com.au | www.swaab.com.au | Profile | vCard

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Vanessa Duckworth

From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:31 PM
To: Suzi Stojanovski
Subject: FW: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

From: [REDACTED]
Sent: Thursday, 25 November 2021 12:18 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: Kyna Messias <ksm@swaab.com.au>; Suzi Stojanovski <sxs@swaab.com.au>
Subject: Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Dear Mr Hayter,

I acknowledge receipt of your email dated 24 November 2021.

I confirm that I will not be making a claim on the [REDACTED] property.

I will advise any objections prior to the 15 business days outlined in your correspondence.

Thank you

[REDACTED]

From: Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>
Sent: Wednesday, November 24, 2021 06:09 PM
To: [REDACTED]
Cc: Kyna Messias <ksm@swaab.com.au>; Suzi Stojanovski <sxs@swaab.com.au>
Subject: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]

Dear [REDACTED]

Please see attached.

Kind regards,

Sent for and on behalf of

Michael Hayter

Partner

Swaab

T +61 2 9233 5544 | F +61 2 9233 5400

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From: Suzi Stojanovski <sxs@swaab.com.au>
Sent: Thursday, 10 February 2022 12:26 PM
To: Suzi Stojanovski
Subject: FW: Caddick [SWA-AB.FID348319]
Attachments: Letter [REDACTED] 23-6-21 (S2181058xD43CF).PDF; [REDACTED] - Hayter letter 3 Dec 2021(409323834.2).pdf

From: [REDACTED]
Sent: Friday, 3 December 2021 6:15 PM
To: Michael Hayter <mkh@swaab.com.au>
Cc: [REDACTED]
Subject: Caddick

Dear Michael

Please see our letter attached.

For convenience, I also attach your letter of 23 June 2021.

We look forward to hearing from you.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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* Associated Firm
** In cooperation with
Trench, Rossi e Watanabe
Advogados

3 December 2021

Michael Hayter
Swaab
Level 4
20 Hunter Street
Sydney NSW 2000

By email

Dear Michael

Melissa Caddick: [REDACTED]

As you know, [REDACTED] acts, on a pro bono basis, for [REDACTED]

We refer to the Notice dated 24 November 2021 served on the [REDACTED] by the Receivers pursuant to order 6 of the orders of Justice Markovic on 22 November 2021 (**Notice**).

We also refer to our previous discussions with you and the Receivers earlier this year in relation to the interest asserted by the [REDACTED] in relation to the property at [REDACTED] (**Edgecliff Property**), and in particular to your letter of 23 June 2021.

[REDACTED] consider it likely that their contribution to the purchase of the Edgecliff Property, and their interest in it, was disclosed to [REDACTED] in connection with the Loan. Of course, if the [REDACTED] interest in the Edgecliff Property is ultimately the subject of litigation, then documents relating to the Loan will likely be discoverable or amenable to a subpoena.

To facilitate the [REDACTED] response to the Notice, and to facilitate a resolution of their interest in the Edgecliff Property as quickly, inexpensively and efficiently as possible, we would be grateful if any documents in the Receivers' possession, power or control relating to the Loan were provided to us within 5 days of this letter.

We anticipate that such documents would include:

- (a) the Loan application and any supporting documents provided by Ms Caddick to [REDACTED] in relation to the Loan;
- (b) the offer documentation in relation to the Loan;
- (c) the documents evidencing the Loan and the security for the Loan; and

- (d) any written communications between Ms Caddick and [REDACTED] in relation to the Loan.

We are very happy to discuss appropriate confidentiality terms on which the documents could be provided.

[REDACTED] reserve the right to bring this letter to the attention of the Court.

Yours faithfully

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT NOTE BG - 30

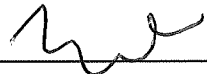
COURT DETAILS

Court	Federal Court of Australia
Division	Commercial and Corporations
Registry	New South Wales
Case number	NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff	Australian Securities and Investments Commission
First defendant	Melissa Louise Caddick and Anor
Number of defendants	2

This is the Exhibit marked "BG -30" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HUNTER
SOLICITOR
L4, 20 HUNTER ST
SYDNEY NSW 2000

EXHIBIT NOTE BG - 30

COURT DETAILS

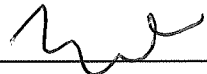
Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -30" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HUNTER
SOLICITOR
L4, 20 HUNTER ST
SYDNEY NSW 2000

Vanessa Duckworth

From: customerservice@auspost.com.au
Sent: Thursday, 10 February 2022 3:25 PM
To: Info
Subject: Australia Post - Case: 46378466 [ref:_00D301GGce._5002v32iUp:ref]
Attachments: 0201000900669006040991.pdf; 0201000900678006040993.pdf; 0201000900679006040990.pdf; 0201000900684006040994.pdf; 0201000926342006040991.pdf; 0201000926344006040995.pdf; 0201000926345006040992.pdf; 0201000926352006040990.pdf; 0201000926358006040992.pdf; 0201003130610006040993.pdf; 0201003130611006040990.pdf; 0201003132252006040993.pdf; 0201003132253006040990.pdf; 0201003132254006040997.pdf; 0201003132259006040992.pdf; 0201003132275006040992.pdf; 0201003132277006040996.pdf; Delivery.xlsx

Help & Support



Reference **46378466**

Update for Feedback - 46378466

Hi Fiona,

Please see attached tracking information for the requested 76 articles.

I hope that this information has helped and that you enjoy the rest of your day. If there is anything else that we can do for you, please do not hesitate to contact us again.

Kind Regards,

Sebastiana
Business Customer Care
Australia Post

Our contact centre is open Monday to Friday, 8am to 6pm

Regards,

Sebastiana O
Australia Post



Nothing in this email is intended to exclude or limit any rights or remedies that you may have under

the Australian Consumer Law.

Australia Post acknowledges the Traditional Custodians of the land on which we operate, live and gather as employees and recognise their continuing connection to land, water and community. We pay respect to Elders past, present and emerging.

[Help & support](#) | [Terms & conditions](#) | [Privacy policy](#)



ref:_00D301GGce._5002v32ilUp:ref

Delivery Date and Time
01/12/2021 at 14:37pm
01/12/2021 at 12 52pm - Left in a safe place (see POD)
14/12/2021 at 10:20am
01/12/2021 at 11:17am - Left in a safe place (see POD)
01/12/2021 at 11:29am
01/12/2021 at 10:38am
01/12/2021 at 13:17pm
01/12/2021 at 12 02pm
02/12/2021 at 13 53 - Signed by [REDACTED] (see POD)
02/12/2021 at 10:16am
01/12/2021 at 15:17pm - Left in a safe place (see POD)
01/12/2021 at 11:41am
01/12/2021 at 15:17pm - Left in a safe place (see POD)
01/12/2021 at 15 54pm
01/12/2021 at 11:29am
03/12/2021 at 10:11am
01/12/2021 at 11:41am
01/12/2021 at 16:39pm
01/12/2021 at 15:22pm
03/12/2021 at 11:33am
02/12/2021 at 11:26am - Left in a safe place (see POD)
01/12/2021 at 12:47pm - Left in a safe place (see POD)
01/12/2021 at 10:37am - Left in a safe place (see POD)
03/12/2021 at 10:31am
01/12/2021 at 15:23pm
01/12/2021 at 12:42pm - Left in a safe place (see POD)
01/12/2021 at 12 50pm
02/12/2021 at 10 07am
03/12/2021 at 12:15pm
01/12/2021 at 11:29am
03/12/2021 at 10:31am
01/12/2021 at 10:35am
01/12/2021 at 11:20am
01/12/2021 at 11:20am
01/12/2021 at 10:38am
01/12/2021 at 10 09am
03/12/2021 at 10 09am
04/12/2021 at 12:34pm
01/12/2021 at 16:39pm
01/12/2021 at 10:38am
01/12/2021 at 10:38am
01/12/2021 at 10:30am
01/12/2021 at 12 55pm
01/12/2021 at 14 02pm - Left in a safe place (see POD)
03/12/2021 at 18:21pm - Signed by [REDACTED] (see POD)
01/12/2021 at 12 50pm
04/12/2021 at 12:34pm
07/12/2021 at 10 02am
01/12/2021 at 14:23pm
01/12/2021 at 10 09am
01/12/2021 at 10 09am
01/12/2021 at 10 09am
03/12/2021 at 18:21pm - Signed by [REDACTED] (see POD)
01/12/2021 at 14 09pm
20/12/2021 at 10:49am - Returned to Sender
03/12/2021 at 11:33am
03/12/2021 at 11:33am
01/12/2021 at 12 02pm
01/12/2021 at 12 02pm
01/12/2021 at 04:36am - Delivered to post office box
01/12/2021 at 04:36am - Delivered to post office box
01/12/2021 at 14:37pm
03/12/2021 at 07:22am - Delivered to post office box
01/12/2021 at 06:22am
01/12/2021 at 11:24am - Signed by [REDACTED] (see POD)
01/12/2021 at 06:12am - Signed by [REDACTED] (see POD)
01/12/2021 at 06:12am - Signed by [REDACTED] (see POD)
02/12/2021 at 02:38am - Delivered to post office box
01/12/2021 at 09:18am - Delivered to post office box
01/12/2021 at 12 02pm
01/12/2021 at 16:39pm
01/12/2021 at 12:34pm - Left in a safe place (see POD)
01/12/2021 at 12:34pm - Left in a safe place (see POD)

Image Browser

Article information:

Article ID / Barcode Number: 0201000900669006040991

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 12:42:08

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

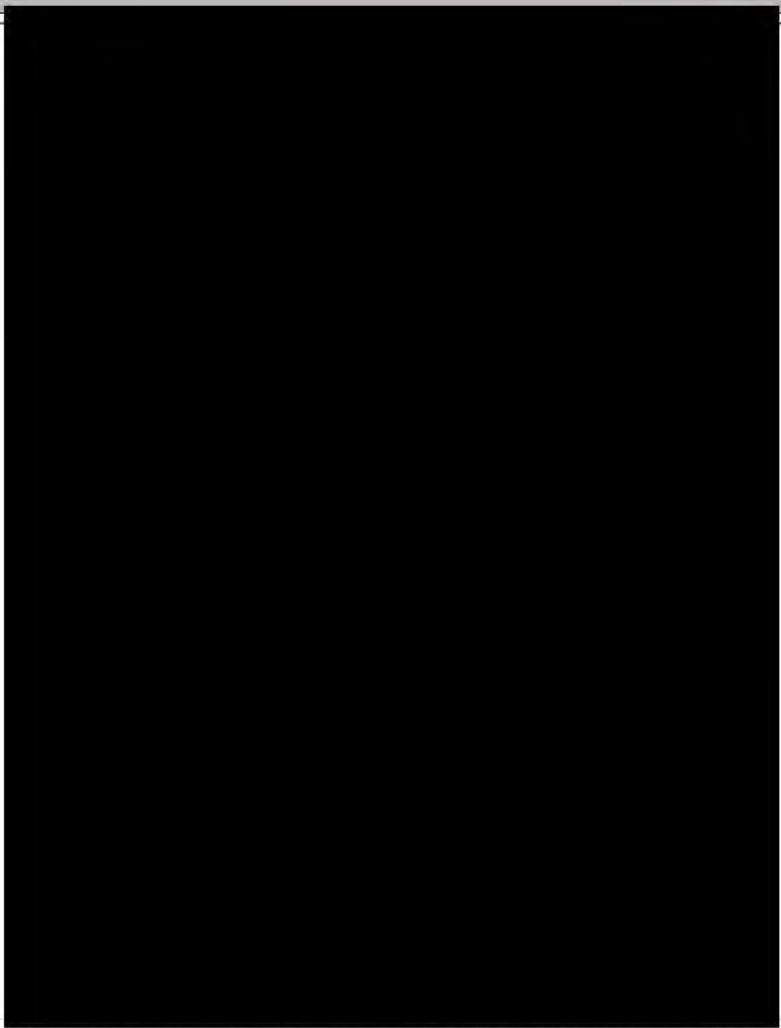


Image Browser

Article information:

Article ID / Barcode Number: 0201000900678006040993

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 02.12.2021 11:26:01

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

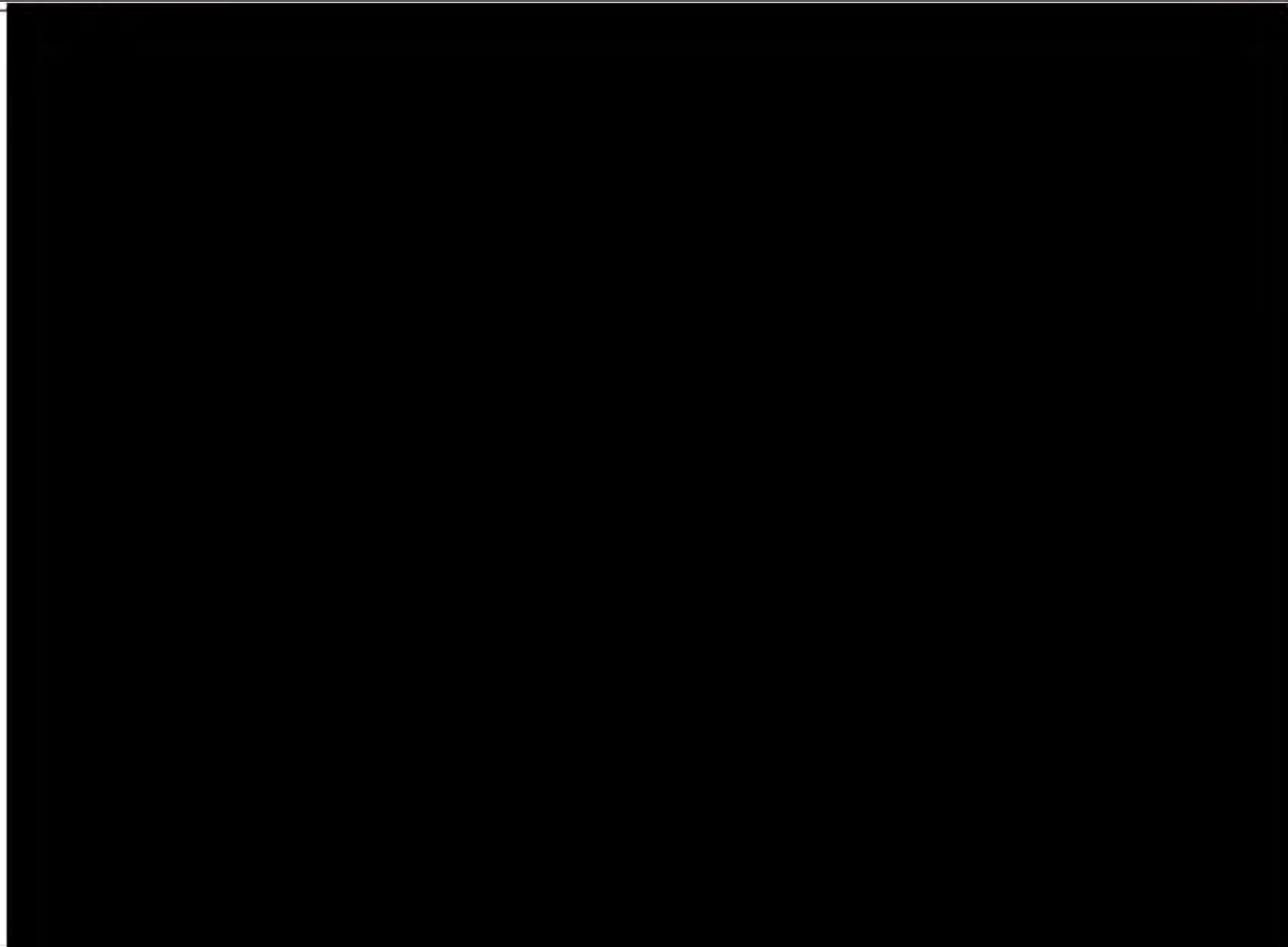
Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:



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Image Browser

Article information:

Article ID / Barcode Number: 0201000900679006040990

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 12:47:29

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

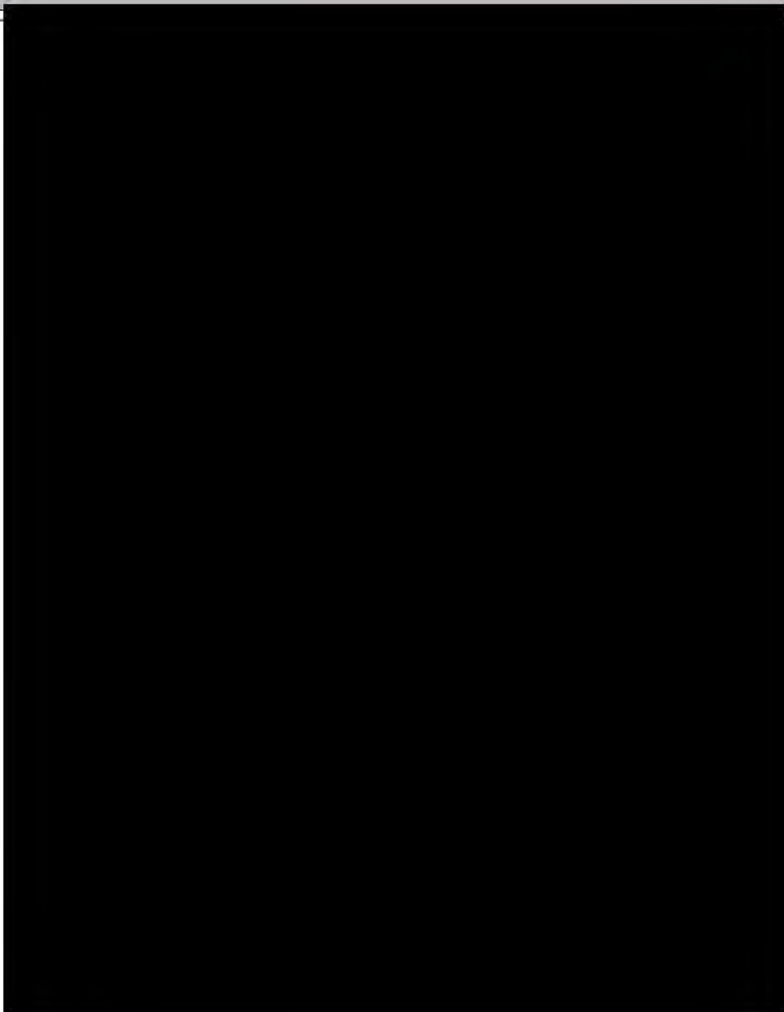


Image Browser

Article information:

Article ID / Barcode Number: 0201000900684006040994

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 15:17:51

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

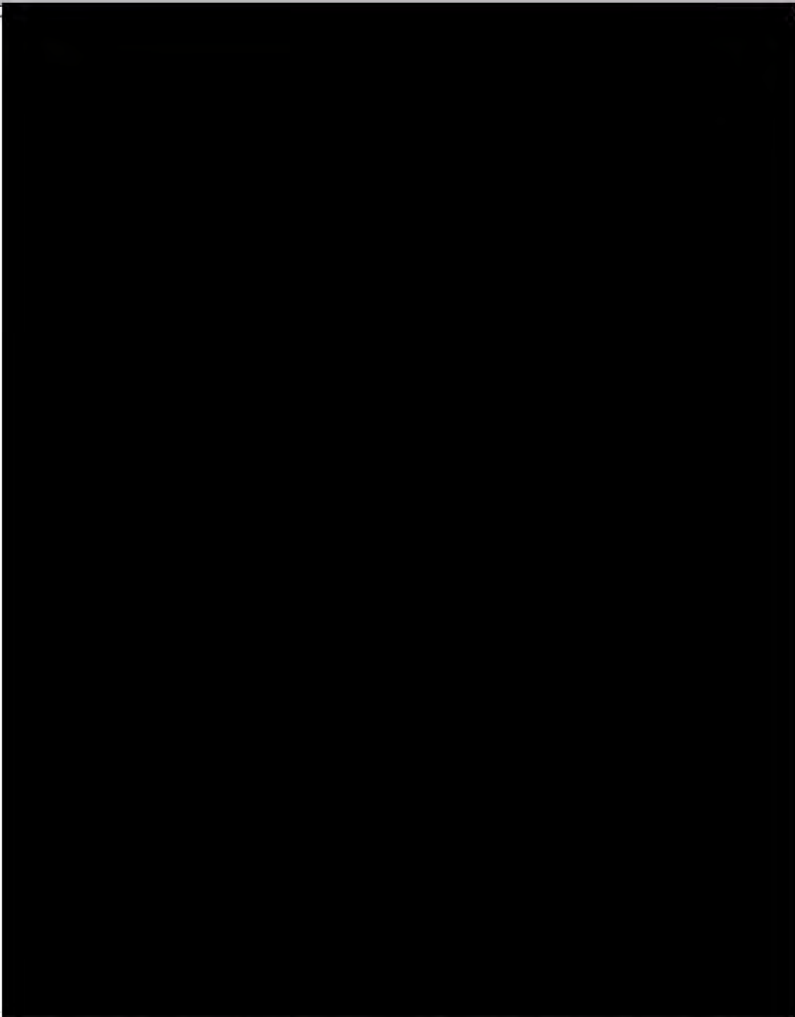


Image Browser

Article information:

Article ID / Barcode Number: 0201000926342006040991

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 15:17:51

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

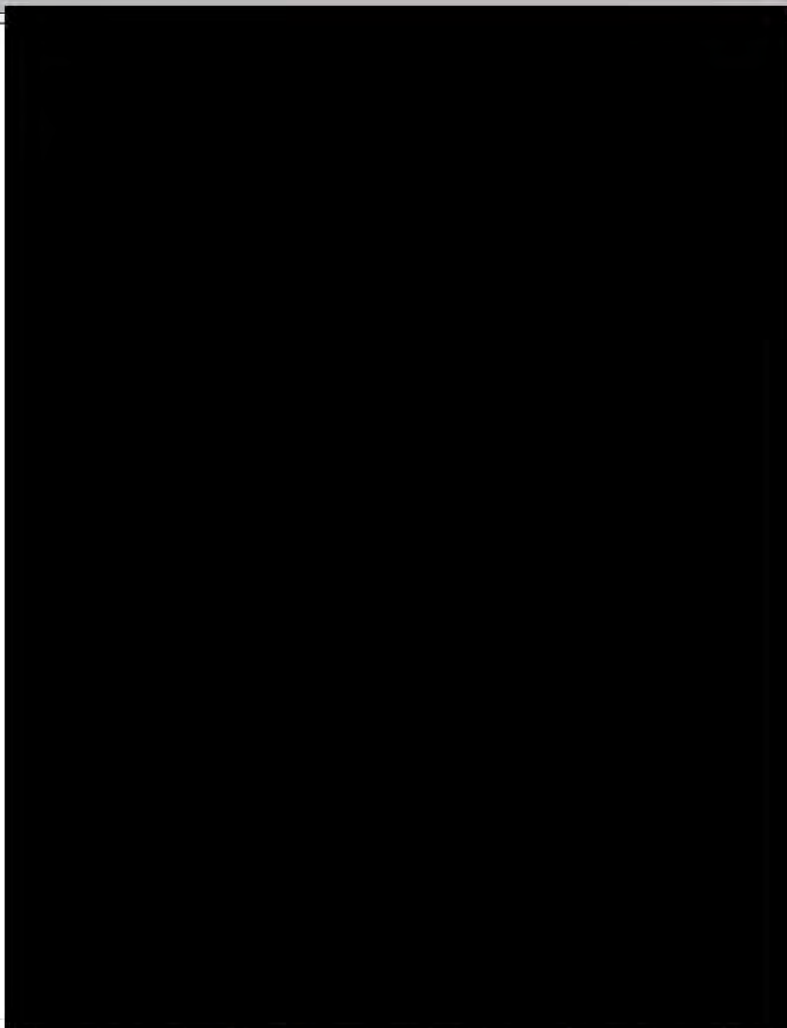


Image Browser

Article information:

Article ID / Barcode Number: 0201000926344006040995

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 11:17:03

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

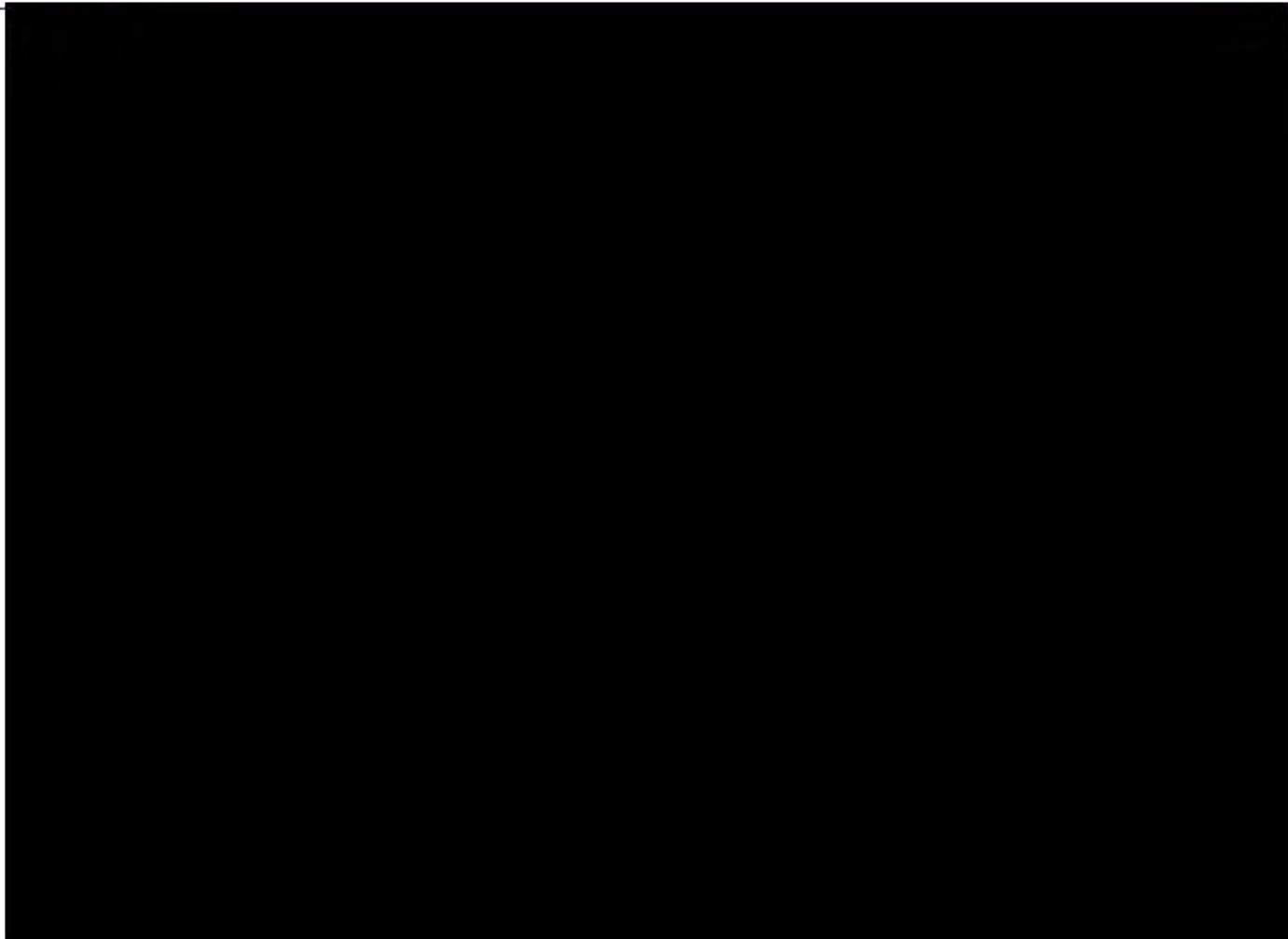
Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:



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Image Browser

Article information:

Article ID / Barcode Number: 0201000926345006040992

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 12:52:47

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

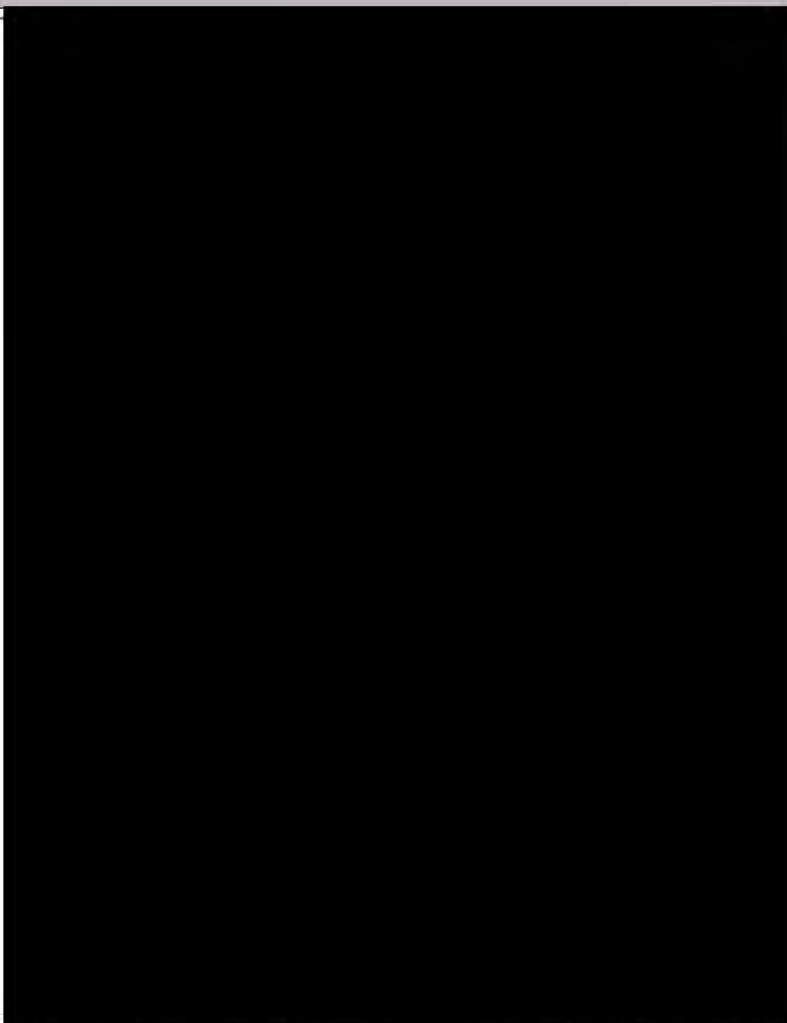


Image Browser

Article information:

Article ID / Barcode Number: 0201000926352006040990

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 10:37:28

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

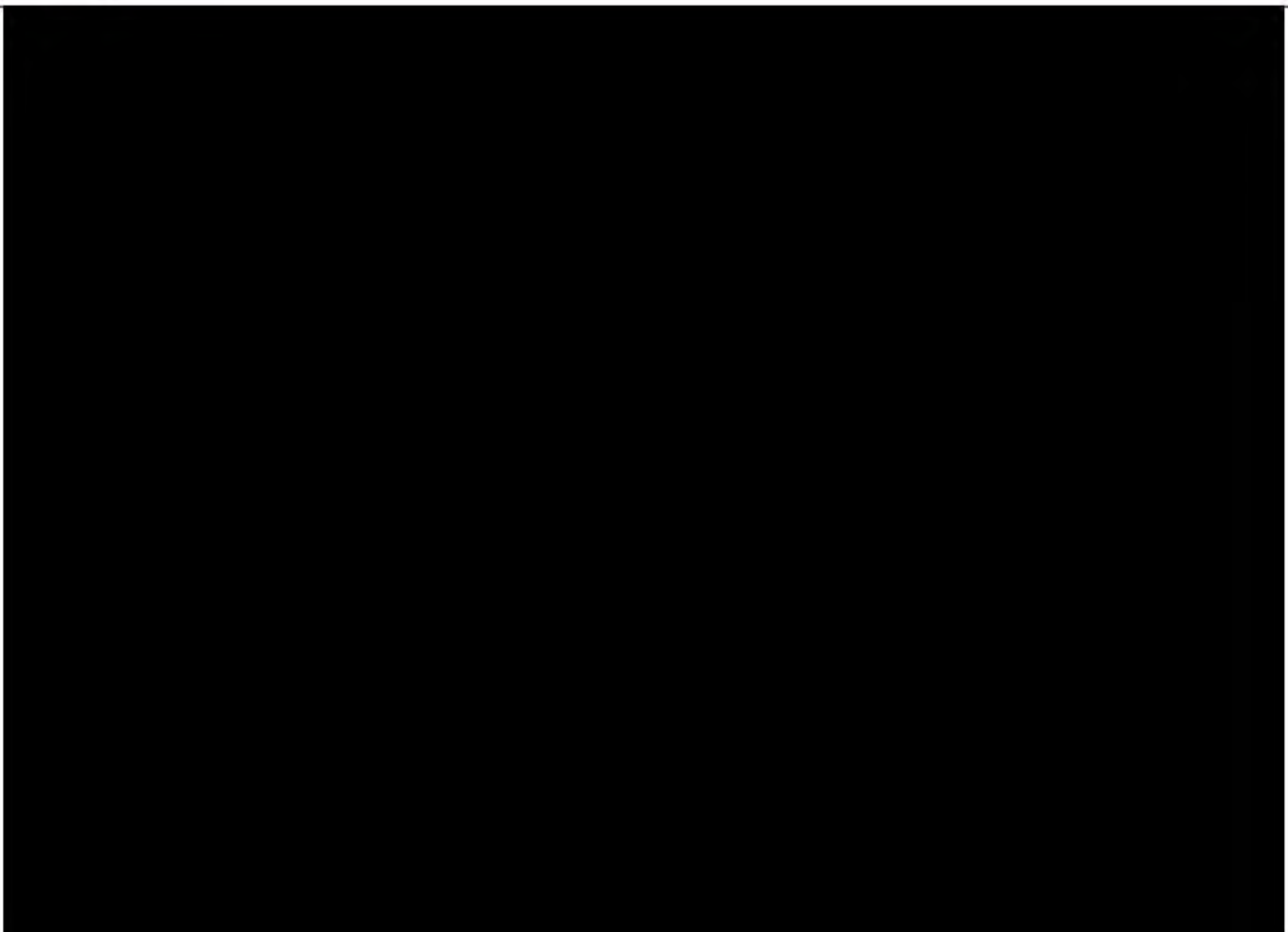
Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:



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Proof Of Delivery Browser

Article information:

Article ID / Barcode Number: 0201000926358006040992

Scan Event Description: Delivered

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 02.12.2021 13:53:26

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:


Postcode:

Delivery Information:

Signed For By: 

Comment: RECEPTION

Nature of Authority:

Signature: 

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Image Browser

Article information:

Article ID / Barcode Number: 0201003130610006040993

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 12:34:07

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

Proof Of Delivery Browser

Article information:

Article ID / Barcode Number: 0201003130611006040990

Scan Event Description: Delivered

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 03.12.2021 18:21:37

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

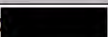
Address Line 3:

Country:

Address Line 4:


Postcode:

Delivery Information:

Signed For By: 

Comment:

Nature of Authority: Occupant

Signature: 

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Proof Of Delivery Browser

Article information:

Article ID / Barcode Number: 0201003132252006040993

Scan Event Description: Delivered

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 11:24:55

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:


Postcode:

Delivery Information:

Signed For By: 

Comment:

Nature of Authority:

Signature: 

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Proof Of Delivery Browser

Article information:

Article ID / Barcode Number: 0201003132253006040990

Consignment Number:

Scan Event Description: Delivered with signature from S GU

Date/Time of Scan Event: 01.12.2021 06:12:54

Product Description: Express Post

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

Signed For

Comment:

Nature of Authority:

Signature:

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Proof Of Delivery Browser

Article information:

Article ID / Barcode Number: 0201003132254006040997

Consignment Number:

Scan Event Description: Delivered with signature from S GU

Date/Time of Scan Event: 01.12.2021 06:12:54

Product Description: Express Post

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

Signed For By: [REDACTED]

Comment:

Nature of Authority:

Signature:

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Image Browser

Article information:

Article ID / Barcode Number: 0201003132259006040992

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 12:34:07

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

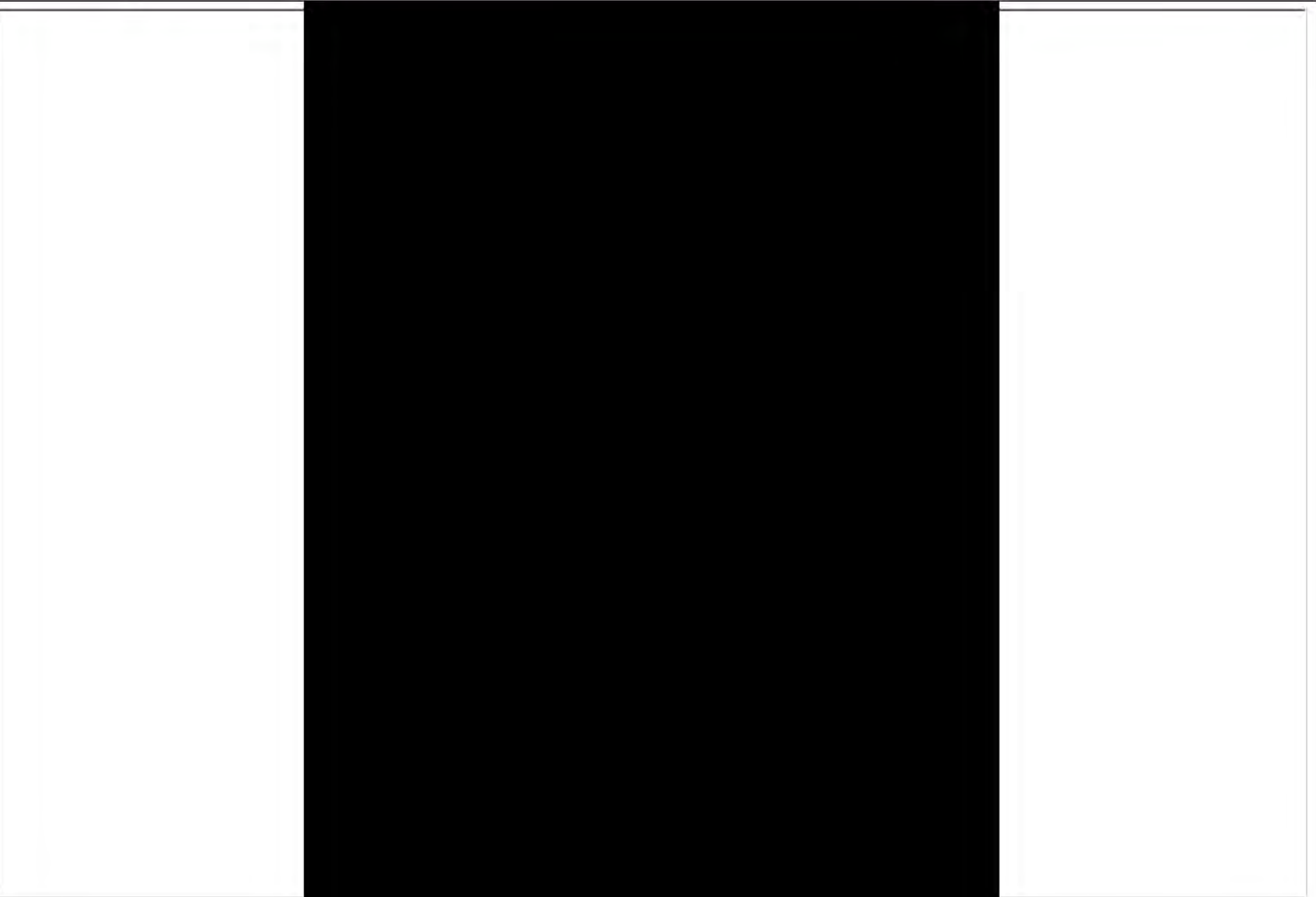
Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:



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Proof Of Delivery Browser

Article information:

Article ID / Barcode Number: 0201003132275006040992

Scan Event Description: Delivered

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 03.12.2021 18:21:37

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

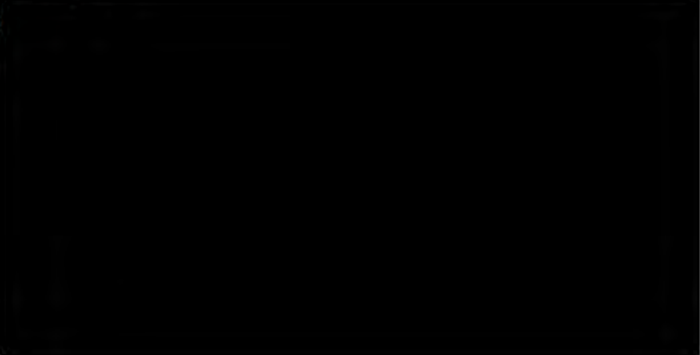
Postcode:

Delivery Information:

Signed For By: 

Comment:

Nature of Authority: Occupant

Signature 

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EXHIBIT NOTE BG - 31

COURT DETAILS


Court Federal Court of Australia
Division Commercial and Corporations
Registry New South Wales
Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**

First defendant **Melissa Louise Caddick and Anor**
Number of defendants **2**

This is the Exhibit marked "BG -31" to the Affidavit of Bruce Gleeson produced, shown and exhibited at the time of swearing this Affidavit before me on 17 FEBRUARY 2022



Name: MICHAEL KEVIN HAYTER
Solicitor
L 4, 20 HUNTER ST
SYDNEY NSW 2000

Image Browser

Article information:

Article ID / Barcode Number: 0201003132277006040996

Product Description: Express Post

Consignment Number:

Date/Time of Scan Event: 01.12.2021 14:02:18

Merchant's Name:

Consignment Parcel Count:

Sender's Reference:

Scan Event Description: Delivered - Left in a safe place

Special Delivery Instruction:

Addressee Information:

Name:

Company Name:

Address Line 1:

City:

Address Line 2:

State:

Address Line 3:

Country:

Address Line 4:

Postcode:

Delivery Information:

Vanessa Duckworth

From: [REDACTED]
Sent: Wednesday, 15 December 2021 9:50 AM
To: Bruce Gleeson
Subject: [REDACTED] Formal Claim: NSD 1220/2020 ASIC V Melissa Louise Caddick & ANOR
Attachments: AEG Payments into Edgecliff.xlsx; AEG Edgecliff Claim.pdf; Item 53 Jewellery.pdf

Dear Mr Gleeson,

Reference: NSD 1220/2020 ASIC V Melissa Louise Caddick & ANOR

As per the Court session on 22 Nov 2021, where the Judgement was handed down, and published on 24 Nov 2021, I am writing to you to formally claim my interest in the [REDACTED], 2017 property.

As per a verbal agreement between Melissa Louise Caddick (my Sister) and I in early November 2019, I agreed to pay the Edgecliff mortgage (which I understand was treated as "rent" by my Sister), given that under the Wills of my Parents and Sister, I would be a beneficiary of the Edgecliff property, I viewed this as a long-term investment.

I have attached a summary of the 24 months payments ($24 \times 6000 = 144,000$) and my Citibank statements as documentary evidence.

In addition, I claim ownership of Item "53 Jewellery" of the Pickles report. This was a gift and was stored in my Sister's safe at the Dover Heights property. According to documentation this was seized by ASIS during the raid on 11 November 2020.

I request that the above is taken into consideration as per the instructions given on 22 Nov 2021.

Regards,

[REDACTED]

#	Transfer Date	Account Name	Amount
1	23-Nov-18	Edgecliff Mortgage	6000
2	19-Dec-18	Edgecliff Mortgage	6000
3	22-Jan-19	Edgecliff Mortgage	6000
4	25-Feb-19	Edgecliff Mortgage	6000
5	25-Mar-19	Edgecliff Mortgage	6000
6	12-Apr-19	Edgecliff Mortgage	6000
7	24-May-19	Edgecliff Mortgage	6000
8	20-Jun-19	Edgecliff Mortgage	6000
9	26-Jul-19	Edgecliff Mortgage	6000
10	27-Aug-19	Edgecliff Mortgage	6000
11	26-Sep-19	Edgecliff Mortgage	6000
12	29-Oct-19	Edgecliff Mortgage	6000
13	25-Nov-19	Edgecliff Mortgage	6000
14	30-Dec-19	Edgecliff Mortgage	6000
15	27-Feb-20	Edgecliff Mortgage	6000
16	30-Mar-20	Edgecliff Mortgage	6000
17	29-Apr-20	Edgecliff Mortgage	6000
18	01-Jun-20	Melissa Caddick	2000
19	01-Jun-20	Melissa Caddick	4000
20	24-Jun-20	Edgecliff Mortgage	6000
21	28-Jul-20	Edgecliff Mortgage	6000
22	31-Aug-20	Edgecliff Mortgage	6000
23	28-Sep	Edgecliff Mortgage	6000
24	02-Oct-20	Edgecliff Mortgage	6000
25	28-Oct-20	Edgecliff Mortgage	6000
		Total "AEG Rent"	144000

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
23 Nov 2018	EXTERNAL TRANSFER EDGECLIFF NAB AEG REPAYMENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

CUSTOMER SERVICE INFORMATION

Please check all entries on your statement. Report possible errors or unauthorised transactions to Citibank by calling 18 24 84.

Daily Withdrawal Limits

Citi Relationship	Debit Card Type	Daily Withdrawal Limit ¹
Citigold	Citigold	A\$3,000
Citi Priority/Citibanking ²	Citi Priority/Citibanking	A\$1,000

1. Daily Withdrawal Limit is a combined daily limit across all accounts (including loan products) linked to your debit card and applies to all cash withdrawals and purchases through ATMs and EFTPOS.
2. The limits for clients who are not eligible for Citigold or Citi Priority Relationship Status, including clients with Mortgage and/or Consumer Lending products only, are the same as the limits for Citibanking customers.

You may have a different Daily Withdrawal Limit if you request or have previously requested to change it.

Did you know you can transfer money into your Citi account in the following ways:

- electronic transfer from another Citi account
- electronic transfer from another Australian bank or financial institution
- making a telegraphic transfer from an international bank

To find out more information about the ways you can bank with us, please visit citibank.com.au/aus/banking.

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
19 Dec 2018	EXTERNAL TRANSFER EDGECLIFF NAB AEG REPAYMENT 980989888	6,000.00		

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
22 Jan 2019	EXTERNAL TRANSFER EDGECLIFF NAB RENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00

Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00

Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

CUSTOMER SERVICE INFORMATION

Please check all entries on your statement. Report possible errors or unauthorised transactions to Citibank by calling 13 24 84.

Daily Withdrawal Limits

Citi Relationship	Debit Card Type	Daily Withdrawal Limit ¹
Citigold	Citigold	A\$3,000
Citi Priority/Citibanking ²	Citi Priority/Citibanking	A\$1,000

1. Daily Withdrawal Limit is a combined daily limit across all accounts (including loan products) linked to your debit card and applies to all cash withdrawals and purchases through ATMs and EFTPOS.
2. The limits for clients who are not eligible for Citigold or Citi Priority Relationship Status, including clients with Mortgage and/or Consumer Lending products only, are the same as the limits for Citibanking customers.

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CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
25 Feb 2019	EXTERNAL TRANSFER EDGECLIFF NAB RENT 980989888	6,000.00		4,149.40

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
25 Mar 2019	EXTERNAL TRANSFER EDGECLIFF NAB RENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

CUSTOMER SERVICE INFORMATION

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Daily Withdrawal Limits

Citi Relationship	Debit Card Type	Daily Withdrawal Limit ¹
Citigold	Citigold	A\$3,000
Citi Priority/Citibanking ²	Citi Priority/Citibanking	A\$1,000

1. Daily Withdrawal Limit is a combined daily limit across all accounts (including loan products) linked to your debit card and applies to all cash withdrawals and purchases through ATMs and EFTPOS.
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Transfers and deposits

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- making a telegraphic transfer from an international bank

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CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
12 Apr 2019	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

#10007613#

10007613



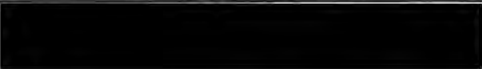
CITICHEQUE ACCOUNT [Redacted]

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
24 May 2019	EXTERNAL TRANSFER EDGECLIFF NAB RENT 980989888	6,000.00		



CITICHEQUE ACCOUNT



Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
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#I0007621#

I0007621

20 Jun 2019	EXTERNAL TRANSFER EDGECLIFF NAB RENT 980989888	6,000.00		
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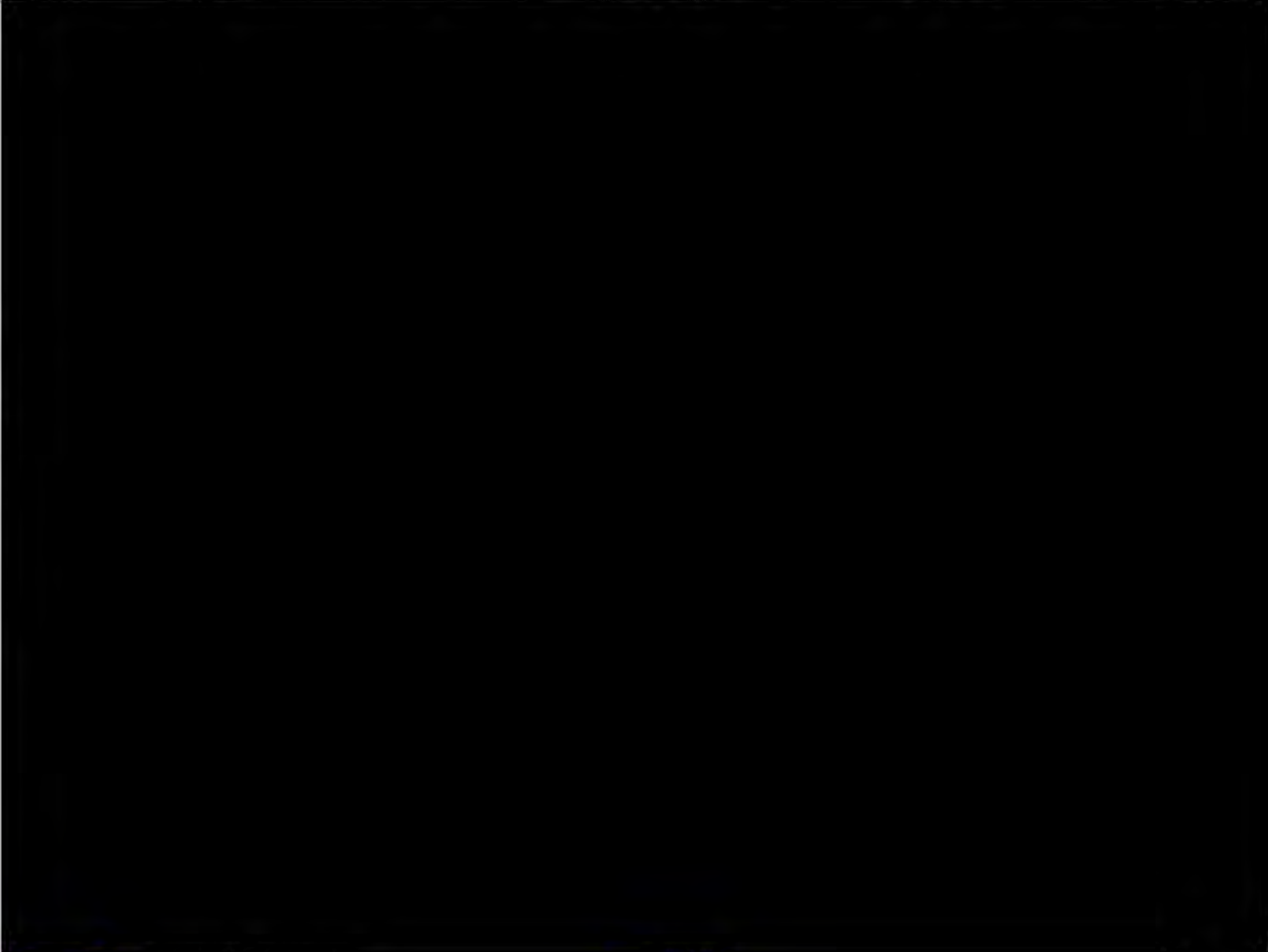


CITICHEQUE ACCOUNT



Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
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#M000750Q02#

M000750Q02

26 Jul 2019	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	- 6,000.00		
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CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
26 Sep 2019	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

#M000787Q02#

M000787Q02

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
 Tax withheld from the account since 1 July this financial year: \$0.00
 Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
 Tax withheld from the account from 1 July to 30 June last financial year: \$0.00



CITICHEQUE ACCOUNT



Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
29 Oct 2019	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

29 Oct 2019

EXTERNAL TRANSFER
EDGECLIFF
NAB
AEG RENT
980989888

6,000.00

#M000758Q02#



Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

M000758Q02

CITICHEQUEACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
25 Nov 2019	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

#M000791Q02#

M000791Q02

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
30 Dec 2019	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

#M000729Q02#

M000729Q02

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00
Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00



CITICHEQUEACCOUNT



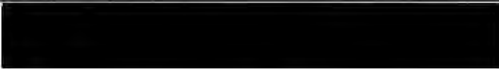
Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
30 Jan 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		





CITICHEQUE ACCOUNT



Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance

27 Feb 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		
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Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00
Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
30 Mar 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		3,060.02

#M000699Q02#

M000699Q02

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
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Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
29 Apr 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

Total Interest Credited to the account from 1 July to 30 June last financial year: \$0.00
Tax withheld from the account from 1 July to 30 June last financial year: \$0.00

Citigroup Pty Limited
ABN 88 004 325 080
AFSL No. 238098

GPO Box 3483
Sydney NSW 2001

Citibank Centre
2 Park Street
Sydney NSW 2000
Australia

CitiPhone Banking
13 24 84

Overseas Calls
612 8225 0615

www.citibank.com.au



For enquiries or banking needs, please call our 24-Hour CitiPhone Banking on 132484.

Your Relationship Manager is
RETAIL BANK DIRECT ONLINE
Tel No: 13 24 84

SUMMARY OF YOUR BANKING RELATIONSHIP

AUD Equivalent Balance - 30 Jun Assets	
Cheque Account	
TOTAL	

Cheque Account

Product Type	Account No.	Currency	Balance
CITICHEQUE ACCOUNT		AUD	
Cheque Account Total		AUD Equivalent	

DETAILS OF YOUR BANKING RELATIONSHIP

Your Cheque Account Details

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
01 Jun 2020	EXTERNAL TRANSFER MRS MELISSA CADDICK NAB AEG RENT 677380367	2,000.00		
01 Jun 2020	OSKO TRANSFER EDGECLIFF 980989888 AEG RENT	4,000.00		

Edgecliff.

#L000773#

L000773

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
24 Jun 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
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Daily Withdrawal Limits

Debit Card Type	Daily Withdrawal Limit ¹
Citigold	A\$3,000
Citi Priority/Citibanking ²	A\$1,000

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M000773Q02

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
28 Jul 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
31 Aug 2020	EXTERNAL TRANSFER EDGECLIFF NAB AEG RENT 980989888	6,000.00		

Accumulated Interest Credited to the account since 1 July this financial year: \$0.00
Tax withheld from the account since 1 July this financial year: \$0.00

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M001953Q05

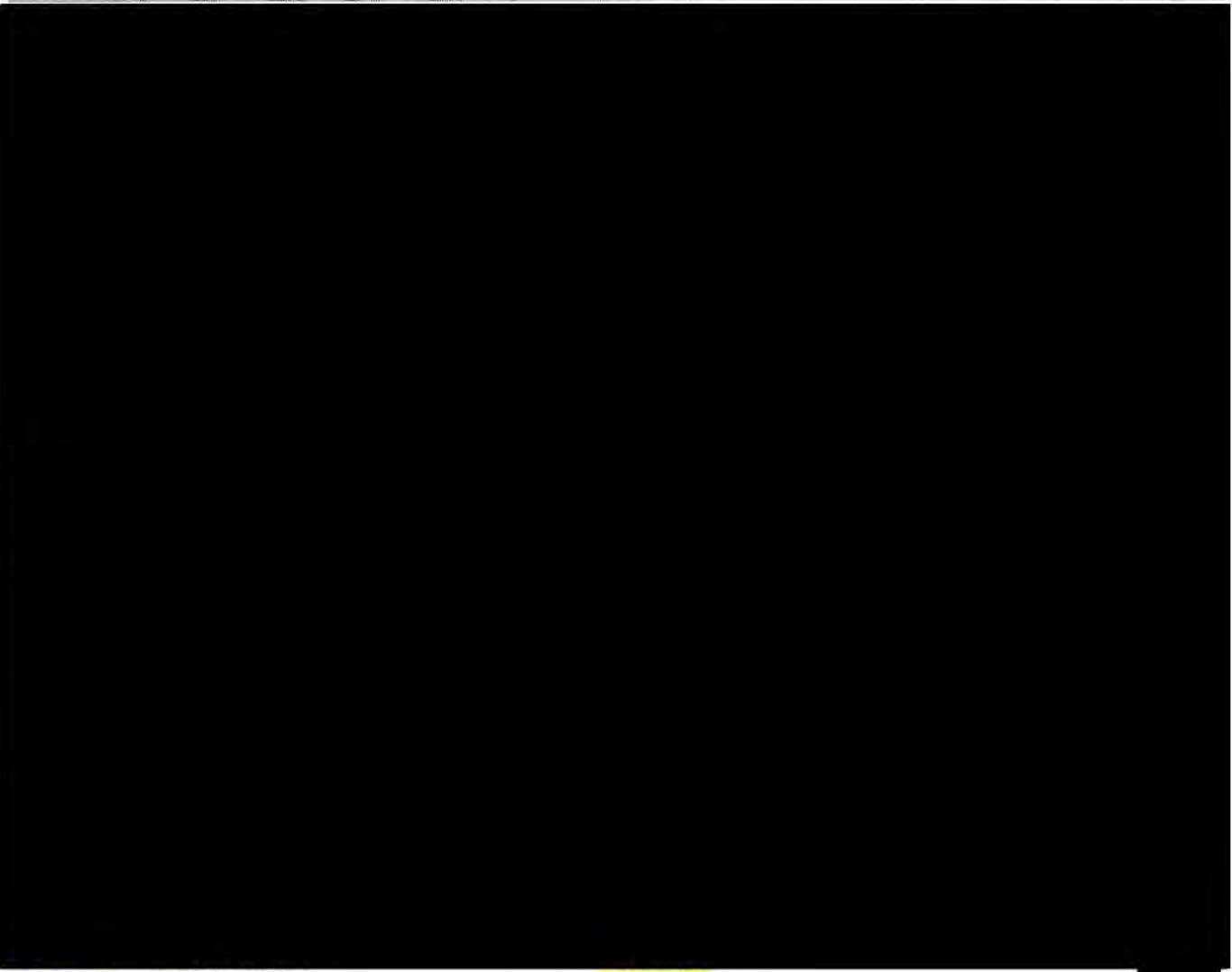


CITICHEQUE ACCOUNT



Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
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#10020061#

10020061

28 Sep 2020	OSKO TRANSFER EDGECLIFF 980989888 AEG RENT	6,000.00		
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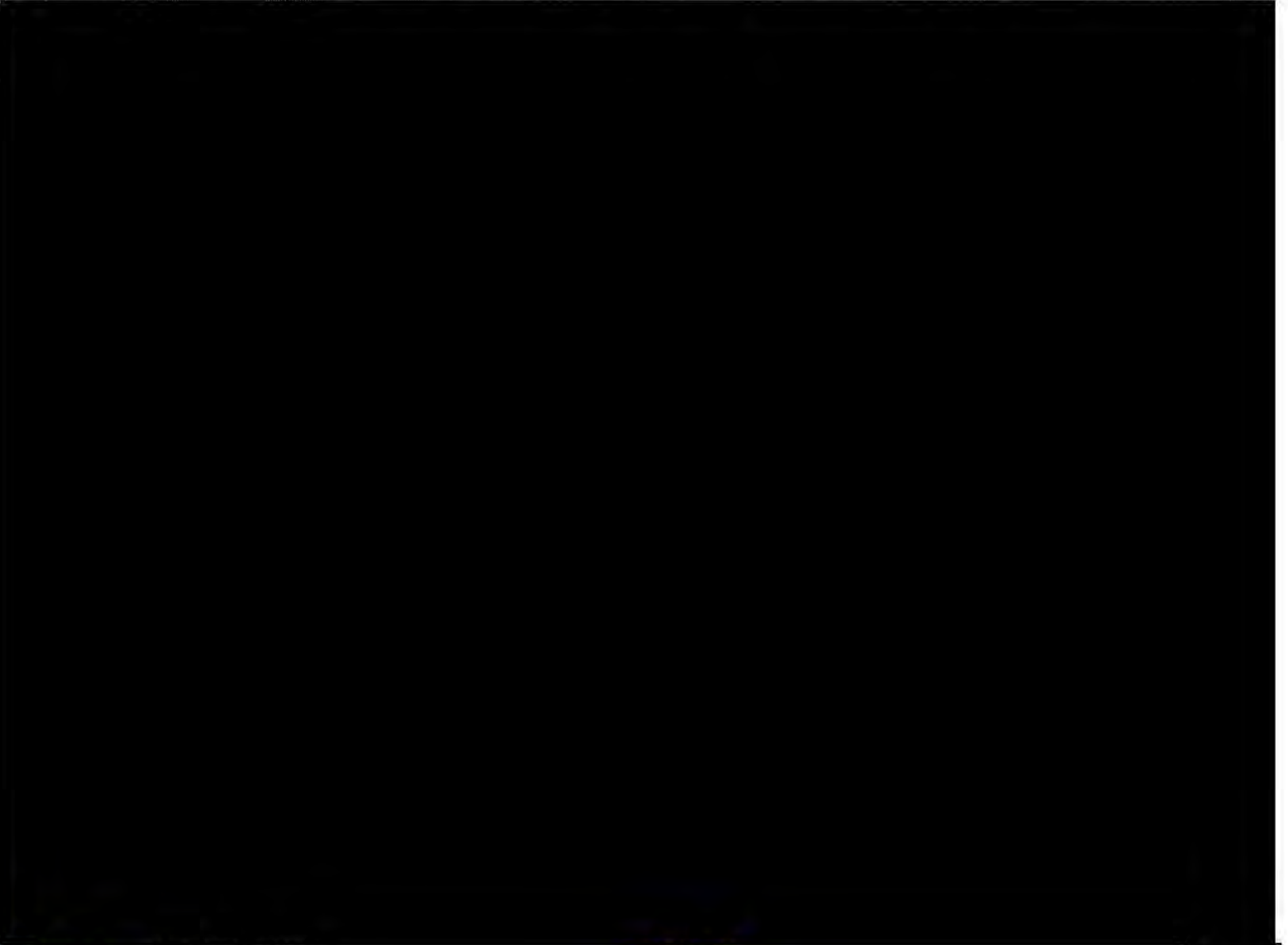




CITICHEQUE ACCOUNT

Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
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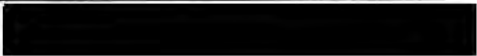


02 Oct 2020	OSKO TRANSFER EDGECLIFF 980989888 AEG RENT	6,000.00		
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CITICHEQUE ACCOUNT



Transactions Done

Txn Date	Description	Withdrawals	Deposits	Balance
28 Oct 2020	OSKO TRANSFER EDGECLIFF 980989888 AEG RENT	6,000.00		



52	S02583055		A Canturi Labyrinth Collection gent's dress ring with black diamonds. 250 = 3.93cts Weight: 23.0 grams
53	S02583033		A Canturi Cubism 18ct white gold ring with sixteen baguette cut black sapphires. Weight: 27.1 grams
54	S02583032		A pair of Canturi Cubism 18ct white gold black onyx cufflinks. Weight: 16.2 grams
55	S02583031		A pair of Canturi Cubism 18ct white gold pave set black diamond square cufflinks. Diamonds: 1.55cts Weight: 15.2 grams
56	S02583071		A gentleman's steel Breitling chronograph Navitimer wrist watch; serial # 3186902, reference: AB0127. Case: 46mm

