

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 30/09/2021 5:57:49 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD616/2021
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v
FORUM FINANCE PTY LIMITED & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



Sia Lagos

Dated: 30/09/2021 5:57:50 PM AEST

Registrar

Important Information

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

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



Form 59
Rule 29.02(1)

Affidavit

No. NSD616/2021

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

Westpac Banking Corporation ABN 33 007 457 141 and another named in the Schedule
Applicants

Forum Finance Pty Limited ACN 153 301 172 and others named in the Schedule
Respondents

Affidavit of: Caitlin Maria Murray

Address: Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000

Occupation: Solicitor

Date: 30 September 2021

Contents

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1.	Affidavit of Caitlin Maria Murray sworn on 30 September 2021	[1]	2
2.	Exhibit CMM-13 being a paginated bundle of documents	[3]	1-317

Filed on behalf of (name & role of party) Westpac Banking Corporation and Westpac New Zealand Limited, applicants
 Prepared by (name of person/lawyer) Caitlin Murray
 Law firm (if applicable) MinterEllison
 Tel (02) 9921 8888 Fax 02 9921 8123
 Email caitlin.murray@minterellison.com
Address for service Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000
 (include state and postcode) Our reference: CMM:AGS:1353397

Version 3 form approved 02/05/2019


18. As set out in my twelfth affidavit sworn 25 August 2021 MinterEllison has written to the (former) solicitors for Mr Tesoriero, Fortis Law, to express concern in relation to the adequacy of his Tesoriero Assets Affidavit, see 27 July Letter, excluding its attachments, at pages 1 to 2 of CMM-10, a further copy of which is at pages 140 to 141 of CMM-13.

8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626

19. I caused solicitors employed by MinterEllison to obtain a current and historical extract of the records of ASIC for the Forty-First Respondent, 8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626 (**Natalia Ave**), a copy of which is at pages 142 to 152 of CMM-13 (**Natalia Ave ASIC extract**). The Natalia Ave ASIC extract shows that Mr Tesoriero is the sole director and shareholder of Natalia Ave.
20. The FGFS Balance Sheet (as at 30 June 2021) records as a non-current asset a loan receivable with the description "Loan - 8-12 Natalia Ave Oakleigh Pty Ltd" in the amount of \$2,122,155.18. A copy of the Xero worksheet titled "Loan - 8-12 Natalia Ave Oakleigh Pty Ltd Transaction" recording a running balance of \$2,122,155.18 as at 30 June 2021 is at page 153 of CMM-13.
21. That spreadsheet, among other transactions, records two payments of \$586,000 each (on 19 December 2019 and 9 June 2020), being the amount of \$1,172,000 paid as a deposit for "12 Natalia Ave". 12 Natalia Ave is understood to be a reference to the property located at 8-12 Natalia Ave Oakleigh South, Victoria 3167 and part Common Property PS 716735J being the land now comprised in Certificate of Title Volume 12298 Folio 008 (**Oakleigh Property**).
22. Included at page 30 of CMM-13 is an extract of the FGFS Account statement showing the payment on 19.12.2019 in the amount of \$586,000 with the description "Deposit 12 Natalia". On page 59 of CMM-13 is an extract of the FGFS Account statement showing the payment on 9.06.2020 in the amount of \$586,000 with the description "Deposit 12 Natalia".
23. The Applicants have also located two deposit receipts in relation to these payments, a copy of which is at pages 154 to 155 of CMM-13.

Correspondence about the Oakleigh Property and a transfer of the Contract for Sale

24. On 10 August 2021, the solicitors for the Liquidators sent a letter to Fortis Law, a copy of which is at pages 227 to 229 of CMM-10, which referred to, among other things, a contract to purchase the Oakleigh Property. At that time MinterEllison was not aware of



the contract. Although Natalia Ave was referred to in the Tesoriero Assets Affidavit, Mr Tesoriero's interest in the Oakleigh Property of the contract for sale concerning the Oakleigh Property was not disclosed.

25. In the period from 17 August 2021 to 20 August, MinterEllison and the then solicitors for Mr Tesoriero exchanged correspondence in relation to the Oakleigh Property as follows:

- (a) on 17 August 2021, MinterEllison received from Fortis Law a letter in relation to the Oakleigh Property, noting that the contract for sale of the Oakleigh Property would be transferred to a nominee, by a deed styled as a Nomination Deed, to a purchaser other than Mr Tesoriero. A copy of the 17 August 2021 letter is at pages 624 to 625 of CMM-10;
- (b) further correspondence was exchanged between 17 and 19 August 2021 seeking and providing additional documents in relation to the Oakleigh Property, a copy of which is exhibited at pages 624 to 769 of CMM-10. Included with the documents provided on 19 August 2021, was a Notice of Default which indicated that the settlement date for the purchase of the Oakleigh Property had been extended by mutual agreement from 15 July 2021 to 3 August 2021;
- (c) on 20 August 2021, further correspondence was exchanged between MinterEllison and Fortis Law in relation to the Oakleigh Property as follows:
 - (i) at 11.34am, Mr Sommer (a solicitor under my supervision) sent an email to Mr Nehme which expressed concerns in relation to the disclosures by Mr Tesoriero in the Assets Affidavit and in the 19 August 2021 letter and in relation to the Oakleigh Property transaction. By this email a request was made for any funds received by Mr Tesoriero in connection with the Oakleigh Property transaction to be paid into a controlled monies account the signatories of which are MinterEllison and Fortis Law or are paid into Court;
 - (ii) at 12.20pm, Mr Sommer received an email from Mr Nehme. In this email Mr Nehme said:

Please confirm that your client, in the interim, will consent to the funds being held in our Trust Account until such time as a joint account is established.



Fortis Law will undertake not to deal with those funds until such time as the appropriate account is established.

Our account's department will make enquiries to set up a Controlled Monies Account forthwith. I have copied in Ms Colegrove our accounts manager who can liaise with your accounts department.

- (iii) at 1.47pm, Mr Sommer sent a further response to Mr Nehme, which indicated as follows:

We confirm that our clients consent to the funds received by your client being held in your firm's trust account until such time as a joint account is established, on the basis of your undertaking not to deal with those funds until such time as the joint account is established.

A copy of an email chain with the three 20 August 2021 emails is at pages 770 to 772 of CMM-10.

26. Between 26 August 2021 and 21 September 2011, MinterEllison and Fortis Law exchanged emails in relation to the establishment of the controlled monies account. A copy of these emails are at pages 156 to 164 of CMM-13.

Correspondence in relation to funds held by Fortis Law

27. From 21 September 2021, further correspondence was exchanged between MinterEllison and Fortis Law in relation to the Oakleigh Property and the proceeds held in trust by Fortis Law, being the sum of \$773,362.88 (**Trust Amount**). This correspondence includes:
- (a) at 1.18pm on 21 September 2021 Mr Sommer received an email from Mr Nehme indicating that Fortis Law no longer act for Mr Tesoriero and indicating that the Trust Amount will be held on trust by them as security for payment of legal fees or further order of Court. I note that a copy of this email was sent to Mr Sazz Nasimi, Partner of Madgwicks Lawyers, the new solicitor acting for Mr Tesoriero in the proceedings;
 - (b) at 1.50pm on 21 September 2021, I sent an email in response to Mr Nehme;
 - (c) at 12.09pm on 22 September 2021, I received an email from Mr Safi;
 - (d) at 8.18am on 23 September 2021, Mr Sommer sent a further email to Mr Safi, seeking urgent confirmation that the Trust Amount will be paid into court as requested in my email of 21 September 2021. Further, this email noted that on 20



- (b) at 2.26pm, Mr Sommer received an email from Mr Nasimi, in which Mr Nasimi stated:

"Having regard to the above, we are of the view that placing the funds held by Fortis law into either a controlled account or into Court is both counterproductive and against the interests of both parties.

Instead, we suggest that the funds be released to Madgwicks in order to address the fees accumulated by Fortis law, and then thereafter be held by Madgwicks in order to secure its fees and to also meet any ordinary and reasonable business expenses that may arise from time to time."

A copy of the email chain with the 29 September 2021 emails is at pages 297 to 298 of CMM-13.

32. On 28 September 2021, Ms Alana Galasso, a solicitor working under my supervision, sent an email to Mr Nasimi of Madgwicks which included a link to an electronic file of the sealed court documents and transcripts in the proceeding to date. Mr Nasimi responded to that email on 29 September 2021. In his email in response Mr Nasimi indicated that funding was hindering him and referred to his correspondence of earlier in the day. A copy of that email is at pages 299 to 300 of CMM-13.
33. On 30 September 2021, MinterEllison received a further email from Mr Nasimi of Madgwicks in relation to the Relevant Amount, a copy of which is attached at page 301 of CMM-13.
34. As at the date of this affidavit, the Relevant Amount has not been paid into a controlled money account.

Correspondence with the Oakleigh Property transaction nominee

35. On 22 September 2021, Mr Sommer sent an email to Mr Ken Gray of Arnold Bloch Leibler (**ABL**), solicitor for Oakleigh Industrial Pty Ltd ACN 652 817 733 as bare nominee for Lasky Oakleigh Industrial Pty Ltd (as trustee for The Lasky (Oakleigh) Unit Trust) and Troon Group (Shepparton) Pty Ltd (the **Nominee**), attaching a letter to Mr Gray. The letter set out the events that have transpired in connection with Mr Tesoriero and the Oakleigh Property, and sought confirmation of funds, being in the amount of \$398,637.12, held by them and derived from deposit funds paid by or on behalf of Mr Tesoriero under the original sale contract for the Oakleigh Property. A copy of this email, including its attachment, is at pages 302 to 304 of CMM-13.



36. On 27 September 2021:

- (a) at 8.29am Mr Sommer sent a further email to Mr Gray seeking an urgent response to our letter of 22 September 2021.
- (b) at 9.51am, Mr Gray sent an email to Mr Sommer, acknowledging receipt of the letter of 22 September 2021 and indicating that a substantive response will be provided by close of business on 28 September 2021.

A copy of the email chain including the 27 September 2021 emails is at pages 305 to 306 of CMM-13.

37. On 28 September Mr Gray sent an email to Mr Sommer, attaching a letter in response to our enquiries. A copy of this email and its attachment is at pages 307 to 312 of CMM-13. This letter confirmed, among other things, that ABL are currently holding on trust the amount of \$398,637.12. The Natalia Ave worksheet which is referred to above shows that two payments were made from the FGFS Account, in the amount of \$586,000 on 19 December 2019 and 9 June 2020. Trust account receipts which have been located during the applicants' investigations reveal that these funds have been paid in relation to the deposit for the Oakleigh Property. A copy of the deposit receipts is at page 313 of CMM-13.

Correspondence with Mr Papas' Solicitor

38. On 29 September 2021, correspondence was exchanged between MinterEllison and Panetta Lawyers, (former) solicitor for Mr Papas, as follows:

- (a) at 9.10am, Mr Sommer received an email from Mr Panetta attaching a sealed copy of Notice of Ceasing to Act (the **Notice**) in relation to Mr Papas; and
- (b) at 2.08pm, Mr Sommer sent an email to Mr Panetta seeking Mr Papas' last known contact details on the basis that Mr Papas does not presently reside at the address listed in the Notice.

A copy of the email chain containing the two 29 September 2021 emails, including the Notice, is at pages 314 to 317 of CMM-13.



Exhibit certificate

No. NSD616/2021

Federal Court of Australia

District Registry: Sydney

Division: General

Westpac Banking Corporation ABN 33 007 457 141 and another
Applicants

Forum Finance Pty Limited ACN 153 301 172 and another
Respondents

This is the exhibit marked '**CMM-13**' now produced and shown to Caitlin Maria Murray at the time of swearing her affidavit on 30 September 2021 before me



Filed on behalf of (name & role of party)	Westpac Banking Corporation and Westpac New Zealand Limited, Applicants
Prepared by (name of person/lawyer)	Caitlin Murray
Law firm (if applicable)	MinterEllison
Tel (02) 9921 4279	Fax (02) 9921 8123
Email	caitlin.murray@minterellison.com
Address for service (include state and postcode)	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000 Our reference: 1353397



NAB Connect

Transaction History Report

Account details

Account name
FORUM GRP FS
Account number
082-080 27-105-8642
Currency
AUD

Account balance summary

Opening balance: 1,246,133.72 CR
Total credits: 13,963,967.21 CR
Total debits: 12,893,033.91 DR
Closing balance: 2,317,067.02 CR

Date from: 01 December 2019
Date to: 31 December 2019

Transaction details

Date	Narrative	Reference number	Debit amount	Credit amount	EOD balance
02/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 150108318 FE Aust Invoices		155,210.00 DR		
02/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 150108236 FE Aust Invoices		289,190.00 DR		801,733.72 CR
03/12/2019	INTER-BANK CREDIT ATHE2-4 CRABTREES REAL E FORUM GROUP FINA			6,507.60 CR	808,241.32 CR
04/12/2019	TRANSFER DEBITS INTERNET BPAY PMT 000150327307 DEFT RENT		4,562.50 DR		
04/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 150326813 Loan to 26Ed		5,000.00 DR		
04/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 150328626 Dec19 Rent		13,566.66 DR		
04/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 150326973 Tesoriero		50,000.00 DR		
04/12/2019	TRANSFER DEBITS TT30Y9767563 Payment-Id 150327165GIAMOURDIS		515,268.12 DR		219,844.04 CR
05/12/2019	INTER-BANK CREDIT RTGS (ANZ-001526) ORCA ENVIRO SOLUTIONNEW SOUTH WALES AUST			1,400,000.00 CR	
05/12/2019	AUTOMATIC DRAWING 00764506 AUDI FORUM GROUP FINA		3,287.76 DR		
05/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 150377575 Loan to 5Bulkara		20,000.00 DR		

Date	Narrative	Reference number	Debit amount	Credit amount	EOD balance
16/12/2019	AUTOMATIC DRAWING 1634617 FLEXIRENT FORUM GROUP FINA		2,113.00 DR		
16/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151091474 Loan to FG		150,000.00 DR		
16/12/2019	TRANSFER DEBITS INTERNET TRANSFER PMT 000150995781 RETURN OF CAPI		300,418.25 DR		
16/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151058714 Loan to FG		450,000.00 DR		
16/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151056373 Loan to FG		1,700,000.00 DR		3,288,729.22 CR
19/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151425449 Ark Resources		3,157.00 DR		
19/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151424921 Pacific Blue		8,030.00 DR		
19/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151425123 Metier 9727		44,000.00 DR		
19/12/2019	TRANSFER DEBITS TT30Y9857879 Payment-Id 151428194TG DIGES UK AUS		265,131.80 DR		
19/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151345975 Deposit 12 Natalia		586,000.00 DR		2,382,410.42 CR
20/12/2019	TRANSFER CREDITS FINS WESTLAWN FORUM FINS			4,434,823.00 CR	
20/12/2019	INTER-BANK CREDIT RTGS (ANZ-004178) ORCA ENVIRO SOLUTIONNEW SOUTH WALES AUST			800,000.00 CR	
20/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151518762 BC Invoice 1840		150.00 DR		
20/12/2019	TRANSFER DEBITS TT30Y9869239 Payment-Id 151520940UK PAYROLL DEC19		883.21 DR		
20/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151524882 Louise A UK Exp		1,001.44 DR		
20/12/2019	TRANSFER DEBITS TT30Y9869362 Payment-Id 151533162GERPAYROLL DEC19		1,640.58 DR		
20/12/2019	TRANSFER DEBITS Internet Transfer PYMT-ID 151518185 Suzi Phillips		2,000.00 DR		
20/12/2019	TRANSFER DEBITS TT30Y9869335 Payment-Id 151520129UK PAYROLL DEC19		2,026.93 DR		
20/12/2019	TRANSFER DEBITS TT30Y9869363 Payment-Id 151532703GREPAYROLL DEC19		2,460.87 DR		



NAB Connect

Transaction History Report

Account details

Account name
FORUM GRP FS
Account number
082-080 27-105-8642
Currency
AUD

Account balance summary

Opening balance: 3,482,137.85 CR
Total credits: 21,266,552.74 CR
Total debits: 21,873,959.19 DR
Closing balance: 2,874,731.40 CR

Date from: 01 June 2020
Date to: 30 June 2020

Transaction details

Date	Narrative	Reference number	Debit amount	Credit amount	EOD balance
01/06/2020	AUTOMATIC DRAWING RTA2704769922 RMS ETOLL PH:131 Forum group Fina		80.00 DR		
01/06/2020	AUTOMATIC DRAWING V300002023 JUDO BANK Forum Group		1,053.10 DR		
01/06/2020	AUTOMATIC DRAWING V300002021 JUDO BANK Forum Group		2,350.67 DR		
01/06/2020	AUTOMATIC DRAWING V300002017 JUDO BANK Forum Group		6,450.23 DR		
01/06/2020	AUTOMATIC DRAWING V300002024 JUDO BANK Forum Group		6,544.25 DR		
01/06/2020	TRANSFER DEBITS Forum Group 160802654 FG Invoices		612,822.10 DR		2,852,837.50 CR
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160833652 Raceline 0009		59.75 DR		
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160874678 Rothsay Spartan		330.00 DR		
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160874118 Acoustic Logic		715.00 DR		
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160929842 KKP Bouch 1027		4,166.66 DR		
02/06/2020	TRANSFER DEBITS INTERNET BPAY PMT 000160833012 DEFT RENT		4,779.76 DR		
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160874607 Rothsay Palante		5,500.00 DR		

Date	Narrative	Reference number	Debit amount	Credit amount	EOD balance
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160874417 Metrix Insurance		10,686.84 DR		
02/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160833203 Jun20 Rent		13,566.66 DR		
02/06/2020	TRANSFER DEBITS TT3020747958 Payment-Id 160833921IUGISGRE OFFICE2		21,813.93 DR		2,791,218.90 CR
03/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 160913384 Deposit James St 7		100,000.00 DR		2,691,218.90 CR
04/06/2020	INTER-BANK CREDIT ATHE2-4 CRABTREES REAL E FORUM GROUP FINA			5,522.90 CR	
04/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161094296 QBE Excess AKV932		1,000.00 DR		
04/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161040180 Sus Asset Fin 1079		22,000.00 DR		2,673,741.80 CR
05/06/2020	TRANSFER CREDITS FORUM FINANCE PTY LTFINS WESTLAWN			1,257,362.00 CR	
05/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161180378 1160 Glen Huntly		1,485.00 DR		
05/06/2020	AUTOMATIC DRAWING 00764506 AUDI FORUM GROUP FINA		3,287.76 DR		
05/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161171997 Rotman Morris21387		8,800.00 DR		3,917,531.04 CR
09/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161267803 James St Int Pntly		68,000.00 DR		
09/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161267269 Natalia Deposit		586,000.00 DR		3,263,531.04 CR
10/06/2020	INTER-BANK CREDIT RTGS (ANZ-002097) ORCA ENVIRO SOLUTIONNEW SOUTH WALES AUST			1,475,000.00 CR	
10/06/2020	INTER-BANK CREDIT FX rate refund CUST REMEDICATION FORUM GROUP FINA			28.20 CR	
10/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161371215 Glen Huntly S02		114.07 DR		
10/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161371061 Glen Huntly S01		3,600.00 DR		
10/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161371385 Glen Huntly S03		91,960.00 DR		
10/06/2020	TRANSFER DEBITS Internet Transfer PYMT-ID 161327502 Deposit James St 8		100,000.00 DR		
10/06/2020	TRANSFER DEBITS TT3020784192 Payment-Id 161329661ENVIROFINA		271,272.93 DR		

MinterEllison

27 July 2021

BY EMAIL: cnehme@fortislaw.com.au

Christopher Nehme
Partner
Fortis Law
Level 11, 75 Elizabeth Street
Sydney NSW 2000

Dear Mr Nehme

**Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia
Proceeding NSD616/2021 (Proceedings)**

1. We refer to the affidavit sworn by your client on 21 July 2021 in accordance with paragraph 8 of the Annexure A freezing order made against your client in the Proceedings (**Tesoriero Affidavit**).
2. The Tesoriero Affidavit appears to be deficient in that it either does not disclose your client's interest in all of the assets of which we are aware, or it does not contain up to date information in relation to the value of the assets which are referred to in the affidavit.
3. The Tesoriero Affidavit, by way of example only:
 - (a) does not disclose your client's interest in the race team or Audi race car that your client races in, among potentially other series, the Fanatec GT World Challenge Australia series. Nor does the Tesoriero Affidavit disclose whether your client receives any sponsorship, or has any other interest in the team sponsored by Forum for which he appears to race;
 - (b) does not disclose any interest in the cafe business referred to in paragraph 10A of the Annexure A freezing order made against your client (the lease for which is referred to on page 16 of the Tesoriero Affidavit); and
 - (c) in setting out the value of various properties, does not appear to take into account the value of any construction or improvements that have been carried out since they were acquired by your client or interests associated with him. For example, it appears that since the properties at 5 and 6 Bulkara Street have been acquired, a property has been built on 6 Bulkara Street.
4. Please provide, by no later than 2pm on 29 July 2021, information in relation to the matters raised in paragraph 3 above, including whether your client intends to provide a supplementary affidavit that updates the information he has provided in the Tesoriero Affidavit to update any information that has not been included and to provide the information that your client indicated would be provided (see for example paragraph 15 and 16 of the Tesoriero Affidavit).
5. In addition, arising out of the information and the documents referred to in the Tesoriero Affidavit, we attach by way of service the following documents addressed to your client:
 - (a) a notice to produce a document in an affidavit, in Form 39; and
 - (b) a notice to produce, in Form 61 seeking production to the Court on 3 August 2021.

6. All of our client's rights are reserved.

Yours faithfully
MinterEllison

A handwritten signature in cursive script that reads "MinterEllison".

Caitlin Murray
Partner

Contact: Anthony Sommer T: +61 2 9921 4182
anthony.sommer@minterellison.com
Partner: Caitlin Murray T: +61 2 9921 4279
OUR REF: 1353397

TRUST ACCOUNT RECEIPT



RECEIPT NO. 150
 DATE 09 JUN 2020
 ISSUED BY MAREE FILOPOULOS

COMPANY NAME Buxton Oakleigh Pty Ltd
COMPANY ADDRESS 21-23 Atherton Road, Oakleigh, VIC
 3166, Australia
PHONE 95642288
EMAIL oakleigh@buxton.com.au
ACN 613 527 389
ABN 79 613 527 389

VENDOR Placelea Pty. Ltd.
PROPERTY 8-12 Natalia Avenue, Oakleigh South, VIC 3167,
 Australia

RECEIVED FROM

RECEIPT FROM

Vincenzo Tesoriero

OF

Level 5/141 Walker Street, North Sydney

TO ACCOUNT

LEDGER NAME

NATA8-12

VENDOR

Placelea Pty. Ltd.

PURCHASER

Vincenzo Tesoriero

PROPERTY ADDRESS

8-12 Natalia Avenue, Oakleigh South, VIC 3167, Australia

TRUST ACCOUNT

Buxton (Oakleigh) Comm & Industrial

RECEIPT DETAILS

RECEIPT TYPE

EFT

DESCRIPTION

Balance of deposit

AMOUNT

\$586,000.00

SIGNATURE:

.....

PRINTED BY Maree Filopoulos**PRINTED** 10 Jun 2020**ISSUED** 10 Jun 2020

TRUST ACCOUNT RECEIPT



RECEIPT NO. 133
 DATE 19 DEC 2019
 ISSUED BY MAREE FILOPOULOS

COMPANY NAME Buxton Oakleigh Pty Ltd
COMPANY ADDRESS 21-23 Atherton Road, Oakleigh, VIC
 3166, Australia
PHONE 95642288
EMAIL oakleigh@buxton.com.au
ACN 613 527 389
ABN 79 613 527 389

VENDOR Placelea Pty. Ltd.
PROPERTY 8-12 Natalia Avenue, Oakleigh South, VIC 3167,
 Australia

RECEIVED FROM
RECEIPT FROM
 Vincenzo Tesoriero
OF
 Level 5/141 Walker Street, North Sydney

TO ACCOUNT
LEDGER NAME NATA8-12
VENDOR Placelea Pty. Ltd.
PURCHASER
 Vincenzo Tesoriero
PROPERTY ADDRESS
 8-12 Natalia Avenue, Oakleigh South, VIC 3167, Australia
TRUST ACCOUNT
 Buxton (Oakleigh) Comm & Industrial

RECEIPT DETAILS

RECEIPT TYPE	DESCRIPTION	AMOUNT
EFT	Part Deposit	\$586,000.00

SIGNATURE:

PRINTED BY Maree Filopoulos
PRINTED 20 Dec 2019
ISSUED 20 Dec 2019

Exhibit certificate

No. NSD 616 of 2021

Federal Court of Australia
District Registry: Sydney
Division: General

Westpac Banking Corporation ABN 33 007 457 141 and another named in the Schedule
Applicant

Forum Finance Pty Limited ACN 153 301 172 and others named in the Schedule
Respondents

This is the exhibit marked '**CMM- 10**' now produced and shown to Caitlin Maria Murray at the time of swearing her affidavit on 25 August 2021 before me

Kate Cockburn

Kate Cockburn, Solicitor

Filed on behalf of (name & role of party) Westpac Banking Corporation, Applicant
Prepared by (name of person/lawyer) Caitlin Murray
Law firm (if applicable) MinterEllison
Tel (02) 9921 4279 Fax (02) 9921 8123
Email caitlin.murray@minterellison.com
Address for service Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000
(include state and postcode) Our reference: 1353397



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

027/000653



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Rows include Opening balance (\$0.00), Total credits (\$1,025,336.09), Total debits (\$1,030,560.03), and Closing balance (\$5,223.94 Dr).

Statement starts 28 March 2018

Statement ends 21 June 2018

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Contains transaction history from 28 Mar 2018 to 19 Jun 2018.

Summary of Government Charges

Table with 3 columns: Government, From 1 July to date, Last year to 30 June. Rows include Withholding tax and Bank Account Debit (BAD) tax.

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's 'A Guide to Fees & Charges' booklet.

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

172.17.201.AM000653.S001418.D002.835



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/002709



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$5,223.94	Dr
Total credits	\$27,133.32	
Total debits	\$13,764.16	
Closing balance	\$8,145.22	Cr

Statement starts 22 June 2018

Statement ends 29 June 2018

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

Transaction Details

Date	Particulars	Debits	Credits	Balance
22 Jun 2018	Brought forward			5,223.94 Dr
28 Jun 2018	Forum Group Forum Group			
		27,133.32	21,909.38 Cr
29 Jun 2018	Interest Charged	36.40		
	Afsh Nom Afsh Nom			
	415045	13,727.76		8,145.22 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

180072044/0002709/5004030/ID008059



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/013502



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$8,145.22	Cr
Total credits	\$62,199.98	
Total debits	\$69,945.56	
Closing balance	\$399.64	Cr

Statement starts 30 June 2018
Statement ends 28 September 2018

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

For Your Information

*Many Australian businesses are falling victim to business email scams.
Learn how to recognise these scams and protect your business
by visiting nab.com.au/security*

Transaction Details

Date	Particulars	Debits	Credits	Balance
30 Jun 2018	Brought forward			8,145.22 Cr
3 Jul 2018	23Margaret Forum Group Pty 448996.....		13,566.66	21,711.88 Cr
16 Jul 2018	Ddr Interest Ascent 322247.....	6,886.67		14,825.21 Cr
30 Jul 2018	Afsh Nom Afsh Nom 415045.....	13,727.76		1,097.45 Cr
1 Aug 2018	Forum Inv0005 Forum NSW.....		13,566.66	14,664.11 Cr
10 Aug 2018	Internet Transfer Pymt-Id 121666640 Loan to 26Ed.....	5,000.00		9,664.11 Cr
15 Aug 2018	Ddr Interest Ascent 322247.....	6,886.67		2,777.44 Cr
30 Aug 2018	Afsh Nom Afsh Nom 415045.....	13,727.76		10,950.32 Dr
31 Aug 2018	Reference Fee 2080 178684593.....	9.00		10,964.23 Dr
	Interest Charged.....	4.91		2,602.43 Cr
4 Sep 2018	Forum Enviro 0006 Fo Rum Enviro.....		13,566.66	2,602.43 Cr
5 Sep 2018	Internet Transfer Pymt-Id 123134619 26 Edmonstone.....	825.00		1,777.43 Cr
17 Sep 2018	Ddr Interest Ascent 322247.....	6,886.67		5,109.24 Dr
18 Sep 2018	Reference Fee 2080 178684593.....	9.00		5,118.24 Dr
24 Sep 2018	Loan from Fgfs Forun Grp Fs.....		2,500.00	
	Loan from 26Ed 26 Ed Trust.....		6,000.00	
	Internet Bpay PMT 000124138848			
	Tax Office Payments.....	2,213.00		1,168.76 Cr
27 Sep 2018	Afsh Nom Afsh Nom Carried forward			1,168.76 Cr

271.17.203.M013502.S019100.0038199

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			1,168.76 Cr
	415045	13,727.76		12,559.00 Dr
28 Sep 2018	Loan from 26Ed 26 Ed Trust		13,000.00	
	Interest Charged	41.36		399.64 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

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2717203M01350250191001D38200



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

027/000263



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$399.64	Cr
Total credits	\$27,133.32	
Total debits	\$29,504.97	
Closing balance	\$1,972.01	Dr

Statement starts 29 September 2018

Statement ends 27 November 2018

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

Transaction Details

Date	Particulars	Debits	Credits	Balance
29 Sep 2018	Brought forward			399.64 Cr
5 Oct 2018	Forum INV-0007 Forum Enviro.....		13,566.66	13,966.30 Cr
15 Oct 2018	Ddr Interest Ascent 322247.....	6,886.67		7,079.63 Cr
29 Oct 2018	Internet Transfer Pymt-Id 126166359 Loan to Fgfs.....	2,000.00		5,079.63 Cr
30 Oct 2018	Afsh Nom Afsh Nom 415045.....	13,727.76		8,648.13 Dr
31 Oct 2018	Interest Charged.....	3.87		8,652.00 Dr
1 Nov 2018	Forum Enviro 0008 Fo Rum Enviro.....		13,566.66	4,914.66 Cr
15 Nov 2018	Ddr Interest Ascent 322247.....	6,886.67		1,972.01 Dr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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Explanatory Notes

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For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

331/7/201:AM000263/S0004122/ID000813



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/002188



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$1,972.01	Dr
Total credits	\$33,566.66	
Total debits	\$34,393.70	
Closing balance	\$2,799.05	Dr

Statement starts 28 November 2018
Statement ends 31 December 2018

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

Transaction Details

Date	Particulars	Debits	Credits	Balance
28 Nov 2018	Brought forward			1,972.01 Dr
28 Nov 2018	Loan from Fgfs Forum Grp Fs		5,000.00	3,027.99 Cr
30 Nov 2018	Interest Charged	15.37		
	Afsh Nom Afsh Nom			
	415045	13,727.76		10,715.14 Dr
3 Dec 2018	Forum Enviro 0009 Fo Rum Enviro		13,566.66	
	Reference Fee 2080 178684593	9.00		2,842.52 Cr
5 Dec 2018	Loan from Fgfs Forum Grp Fs		15,000.00	17,842.52 Cr
17 Dec 2018	Ddr Interest Ascent			
	322247	6,886.67		10,955.85 Cr
28 Dec 2018	Afsh Nom Afsh Nom			
	415045	13,727.76		2,771.91 Dr
31 Dec 2018	Reference Fee 2080 178684593	9.00		
	Interest Charged	18.14		2,799.05 Dr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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Explanatory Notes

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For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

365/7204/0002188/5003229/006457



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/000139



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Includes Opening balance, Total credits, Total debits, and Closing balance.

Statement starts 1 January 2019
Statement ends 29 March 2019

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Lists transactions from Jan 2019 to Mar 2019.

08872044/M000139/S000182/ID000363

088/7.0.4/N/0001.39/S0001.82/D00364

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

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NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/002406



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Rows include Opening balance, Total credits, Total debits, and Closing balance.

Statement starts 30 March 2019

Statement ends 28 June 2019

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Contains transaction history from 30 Mar 2019 to 28 Jun 2019.

179/17204/AM002406/S003506/ID007011

179/7204/N002406/S003506/ID07012

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

027/002272



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Includes Opening balance (\$5,298.66 Dr), Total credits (\$100,699.98), Total debits (\$93,659.28), and Closing balance (\$1,742.04 Cr).

Statement starts 29 June 2019
Statement ends 30 September 2019

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Lists transactions from 29 Jun 2019 to 2 Sep 2019, including items like 'Brought forward', 'Rent Forum Grp Fs', 'Interest Charged', and 'Loan from Fgfs Forum Grp Fs'.

273/7204/M002272/S003121/ID06241

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			8,385.47 Cr
4 Sep 2019	Fgfs Inv18 Forum Grp Fs		13,566.66	21,952.13 Cr
16 Sep 2019	Ddr Interest Ascent 322247	6,886.67		15,065.46 Cr
30 Sep 2019	Interest Charged	6.00		
	Afsh Nom Afsh Nom 415045	13,317.42		1,742.04 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

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27/3/7/2/0/4/N/002/27/2/S0031/21_ID062.42



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

027/005897



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$1,742.04 Cr
Total credits	\$60,699.98
Total debits	\$66,049.93
Closing balance	\$3,607.91 Dr

Statement starts 1 October 2019
Statement ends 31 December 2019

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

Transaction Details

Date	Particulars	Debits	Credits	Balance
1 Oct 2019	Brought forward			1,742.04 Cr
2 Oct 2019	Fgfs Inv0019 Forum G Rp Fs		13,566.66	15,308.70 Cr
11 Oct 2019	Please Note From Today Your Dr Interest Rate Is 16.220%			15,308.70 Cr
15 Oct 2019	Ddr Interest Ascent 322247	6,456.25		8,852.45 Cr
30 Oct 2019	Loan from Fgfs Forum Grp Fs Afsh Nom Afsh Nom 415045	13,317.42	10,000.00	5,535.03 Cr
14 Nov 2019	Fgfs Inv0020 Forum G Rp Fs Internet Bpay PMT 000148996263 Origin Energy		13,566.66	18,645.87 Cr
15 Nov 2019	Ddr Interest Ascent 322247	6,241.04		12,404.83 Cr
22 Nov 2019	Loan from Fgfs Forum Grp Fs Internet Bpay PMT 000149589857 Origin Energy		10,000.00	16,043.59 Cr
25 Nov 2019	Internet Bpay PMT 000149561159 Tax Office Payments	6,110.00		15,191.59 Cr
29 Nov 2019	Internet Bpay PMT 000149622244 Iwc - Leichhardt Afsh Nom Afsh Nom 415045	852.00		2,129.83 Cr
4 Dec 2019	Fgfs Inv0021 Forum G Rp Fs		13,566.66	15,696.49 Cr
16 Dec 2019	Ddr Interest Ascent 322247	6,241.04		9,455.45 Cr
30 Dec 2019	Afsh Nom Afsh Nom 415045	13,061.76		3,606.31 Dr
31 Dec 2019	Interest Charged	1.60		3,607.91 Dr

365/7204/M005897/S008975/D017919

365/72/04/N/005897/S008975/ID17950

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

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NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/012340



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$3,607.91	Dr
Total credits	\$23,566.66	
Total debits	\$6,508.04	
Closing balance	\$13,450.71	Cr

Statement starts 1 January 2020
Statement ends 20 January 2020

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

For Your Information

Be on the lookout for invoice scams. Fraudsters can change bank account details on a legitimate supplier's invoice to an account they control, or make a request by phone/email to update bank account details for a supplier or employee. Always verbally confirm any changes to payment details using a publicly listed phone number before actioning. Learn how to recognise scams and protect your business by visiting nab.com.au/security

Transaction Details

Date	Particulars	Debits	Credits	Balance
1 Jan 2020	Brought forward			3,607.91 Dr
2 Jan 2020	Loan from Fgfs Forum Grp Fs.....		10,000.00	6,392.09 Cr
15 Jan 2020	Fgfs Inv0022 Forum G Rp Fs.....		13,566.66	
	Internet Bpay PMT 000152649623			
	Asic.....	267.00		
	Interest Ascent			
	322247.....	6,241.04		13,450.71 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

020/7203/MD12340/S013608/0207215



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

027/003638



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Rows include Opening balance (\$13,450.71 Cr), Total credits (\$53,133.32), Total debits (\$63,574.31), and Closing balance (\$3,009.72 Cr).

Statement starts 21 January 2020

Statement ends 31 March 2020

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Contains transaction history from 21 Jan 2020 to 31 Mar 2020.

091.7.20.4/M003638/S004929/ID09857

09172041N00036385004929J009858

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

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NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/005387



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Rows include Opening balance, Total credits, Total debits, and Closing balance.

Statement starts 1 April 2020
Statement ends 30 June 2020

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC
BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Contains multiple rows of transaction data from April to June 2020.

182/7204/M005387/S008/74/ID16147

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			80,907.28 Cr
	Loan Repay	3,426.99		77,480.29 Cr
22 Jun 2020	Repay 40 534 775 2 Latrobefinancial 064914.....	11,679.43		65,800.86 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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Explanatory Notes

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182/7/2/04/N005387/S008074/D1616148

**NAB Business Everyday Account**

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

027/002857

23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161**Account Balance Summary**

Opening balance	\$65,800.86	Cr
Total credits	\$40,699.98	
Total debits	\$46,507.07	
Closing balance	\$59,993.77	Cr

Statement starts 1 July 2020**Statement ends 30 September 2020****Outlet Details**Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000**Lending Investment & Insurance Enquiries**Banker Saurabh Shukla
Telephone number (02) 8267 2295**Account Details**23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET
TRUST
BUSINESS EVERYDAY ACBSB number 082-080
Account number 17-868-4593**Transaction Details**

Date	Particulars	Debits	Credits	Balance
1 Jul 2020	Brought forward			65,800.86 Cr
2 Jul 2020	Fgfs Inv0028 Forum G Rp Fs.....		13,566.66	79,367.52 Cr
16 Jul 2020	Xeroauinv HeZz7cwx Xeroaustralipty 507156.....	23.75		79,343.77 Cr
20 Jul 2020	Repay 40 534 775 2 Latrobefinancial 064914.....	6,963.39		72,380.38 Cr
3 Aug 2020	Fgfs Inv0029 Forum G Rp Fs.....		13,566.66	85,947.04 Cr
17 Aug 2020	Xeroauinv Hqcbwero Xeroaustralipty 507156.....	23.75		85,923.29 Cr
20 Aug 2020	Internet Transfer Pymt-Id 165681312 M Brandtman 31935.....	3,575.00		
	Repay 40 534 775 2 Latrobefinancial 064914.....	6,963.39		75,384.90 Cr
1 Sep 2020	Fgfs Inv0030 Forum G Rp Fs.....		13,566.66	88,951.56 Cr
8 Sep 2020	Internet Bpay PMT 000166801118 Tax Office Payments.....	3,620.00		85,331.56 Cr
15 Sep 2020	Internet Transfer Pymt-Id 167220180 Dev Eng Sol 200607.....	2,469.50		
	Internet Transfer Pymt-Id 167213878 Raymond Pan 1764.....	8,525.00		74,337.06 Cr
16 Sep 2020	Xeroauinv JlnzuJoH Xeroaustralipty 507156.....	23.75		74,313.31 Cr
17 Sep 2020	Internet Transfer Pymt-Id 167315067 Civic Inv V9910.....	2,750.00		71,563.31 Cr
21 Sep 2020	Repay 40 534 775 2 Latrobefinancial 064914.....	6,963.39		64,599.92 Cr
22 Sep 2020	Internet Transfer Pymt-Id 167659103 Fgfs Inv-0107.....	3,698.27		60,901.65 Cr
29 Sep 2020	Internet Bpay PMT 000168045575 Iwc - Rates.....	907.88		59,993.77 Cr

27/4/7.2.0.4\N\002.857\S0037.94\ID07.588

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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**NAB Business Everyday Account**

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027/004736

23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161**Account Balance Summary**

Opening balance	\$59,993.77	Cr
Total credits	\$78,699.98	
Total debits	\$148,340.89	
Closing balance	\$9,647.14	Dr

Statement starts 1 October 2020**Statement ends 31 December 2020****Outlet Details**Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000**Lending Investment & Insurance Enquiries**Banker Saurabh Shukla
Telephone number (02) 8267 2295**Account Details**23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY ACBSB number 082-080
Account number 17-868-4593**Transaction Details**

Date	Particulars	Debits	Credits	Balance
1 Oct 2020	Brought forward			59,993.77 Cr
1 Oct 2020	Loan from Fgfs Forum Grp Fs.....		10,000.00	
	Fgfs Inv0031 Forum G Rp Fs.....		13,566.66	
	Internet Bpay PMT 000168126383			
	Revenue NSW	75,251.33		8,309.10 Cr
16 Oct 2020	Loan from Fgfs Forum Grp Fs.....		10,000.00	
	Internet Transfer Pymt-Id 169182757			
	Metro 10310.....	3,465.00		
	Xeroauinv JD2Zbr3m Xeroaustralipty			
	507156.....	23.75		14,820.35 Cr
20 Oct 2020	Repay 40 534 775 2 Latrobefinancial			
	064914.....	6,963.39		7,856.96 Cr
22 Oct 2020	Loan from Fgfs Forum Grp Fs.....		10,000.00	
	Internet Transfer Pymt-Id 169530795			
	Raymond Pan 1788.....	8,525.00		9,331.96 Cr
30 Oct 2020	Afsh Nom Afsh Nom			
	415045.....	12,836.24		3,504.28 Dr
2 Nov 2020	Fgfs Inv 0032 Forum Grp Fs.....		13,566.66	10,062.38 Cr
16 Nov 2020	Xeroauinv Jpfjpsk Xeroaustralipty			
	507156.....	23.75		10,038.63 Cr
20 Nov 2020	Repay 40 534 775 2 Latrobefinancial			
	064914.....	6,963.39		3,075.24 Cr
27 Nov 2020	Fgfs Inv 0032 Forum Grp Fs.....		13,566.66	16,641.90 Cr
30 Nov 2020	Interest Charged	1.86		
	Afsh Nom Afsh Nom			
	415045.....	12,836.24		3,803.80 Cr
1 Dec 2020	Internet Bpay PMT 000171863683			
	Iwc - Rates	904.00		2,899.80 Cr
4 Dec 2020	Internet Bpay PMT 000172237832			
	Tax Office Payments.....	721.00		2,178.80 Cr
16 Dec 2020	Xeroauinv Jzutnht Xeroaustralipty			
	507156.....	23.75		2,155.05 Cr
21 Dec 2020	Repay 40 534 775 2 Latrobefinancial			
	Carried forward			2,155.05 Cr

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			2,155.05 Cr
	064914.....	6,963.39		4,808.34 Dr
22 Dec 2020	Loan from Fgfs Forum Grp Fs.....		8,000.00	3,191.66 Cr
30 Dec 2020	Afsh Nom Afsh Nom			
	415045.....	12,836.24		9,644.58 Dr
31 Dec 2020	Interest Charged.....	2.56		9,647.14 Dr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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Explanatory Notes

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366/7.2.0.4/N001736/S007126/ID14232



NAB Business Everyday Account

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.



027/005403



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Table with 2 columns: Description, Amount. Rows include Opening balance (\$9,647.14 Dr), Total credits (\$155,699.98), Total debits (\$133,622.44), and Closing balance (\$12,430.40 Cr).

Statement starts 1 January 2021

Statement ends 31 March 2021

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

Transaction Details

Table with 5 columns: Date, Particulars, Debits, Credits, Balance. Contains transaction history from Jan 2021 to Mar 2021.

090/7204/M005403/S007891_ID015781

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			19,456.71 Cr
	Origin Energy.....	114.20		
	Internet Bpay PMT 000177495184			
	Iwc - Rates.....	904.00		
	Internet Bpay PMT 000177494846			
	Tax Office Payments.....	3,493.00		14,945.51 Cr
16 Mar 2021	Xeroauinv J7dsxQbj Xeroaustralipty			
	507156.....	25.65		14,919.86 Cr
18 Mar 2021	Internet Transfer Pymt-Id 178452866			
	Rose AtkinsBOS7175.....	413.63		14,506.23 Cr
22 Mar 2021	Repay 40 534 775 2 Latrobefinancial			
	064914.....	6,963.39		7,542.84 Cr
24 Mar 2021	Loan from Fgfs Forum Grp Fs.....		60,000.00	
	Internet Bpay PMT 000178809795			
	Revenue NSW	58,756.20		8,786.64 Cr
25 Mar 2021	Internet Transfer Pymt-Id 178950215			
	Certify CC/MAR/21.....	3,520.00		5,266.64 Cr
29 Mar 2021	Loan from Fgfs Forum Grp Fs.....		20,000.00	25,266.64 Cr
30 Mar 2021	Afsh Nom Afsh Nom			
	415045.....	12,836.24		12,430.40 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

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**NAB Business Everyday Account**

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027/006775

23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161**Account Balance Summary**

Opening balance	\$12,430.40 Cr
Total credits	\$174,699.98
Total debits	\$173,476.38
Closing balance	\$13,654.00 Cr

Statement starts 1 April 2021**Statement ends 30 June 2021****Outlet Details**Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000**Lending Investment & Insurance Enquiries**Banker Saurabh Shukla
Telephone number (02) 8267 2295**Account Details**23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY ACBSB number 082-080
Account number 17-868-4593**Transaction Details**

Date	Particulars	Debits	Credits	Balance
1 Apr 2021	Brought forward			12,430.40 Cr
8 Apr 2021	April 2021 Rent Foru M Grp Fs.....		13,566.66	25,997.06 Cr
19 Apr 2021	Xeroauinv JJaWAb7d Xeroaustralipty 507156.....	25.65		25,971.41 Cr
20 Apr 2021	Repay 40 534 775 2 Latrobefinancial 064914.....	6,963.39		19,008.02 Cr
21 Apr 2021	Loan from Fgfs Forum Grp Fs.....		50,000.00	
	Internet Bpay PMT 000180535618 Revenue NSW.....	58,756.15		10,251.87 Cr
28 Apr 2021	Internet Bpay PMT 000180957603 Sydney Water.....	484.11		9,767.76 Cr
29 Apr 2021	Loan from Fgfs Forum Grp Fs.....		10,000.00	19,767.76 Cr
30 Apr 2021	Afsh Nom Afsh Nom 415045.....	12,836.24		6,931.52 Cr
3 May 2021	May 2021 Rent Forum Grp Fs.....		13,566.66	20,498.18 Cr
5 May 2021	Internet Transfer Pymt-Id 181492609 Intercompany clear.....	4,204.45		16,293.73 Cr
12 May 2021	Internet Bpay PMT 000181935300 Origin Energy.....	565.45		15,728.28 Cr
13 May 2021	Internet Bpay PMT 000182039651 Tax Office Payments.....	2,729.00		12,999.28 Cr
17 May 2021	Xeroauinv JUU5Qazy Xeroaustralipty 507156.....	25.65		12,973.63 Cr
19 May 2021	Loan from Fgfs Forum Grp Fs.....		60,000.00	
	Internet Bpay PMT 000182373708 Iwc - Rates.....	904.00		
	Internet Bpay PMT 000182373882 Revenue NSW.....	58,756.15		13,313.48 Cr
20 May 2021	Repay 40 534 775 2 Latrobefinancial 064914.....	6,963.39		6,350.09 Cr
25 May 2021	Internet Bpay PMT 000182719966 Asic.....	613.00		5,737.09 Cr
26 May 2021	Internet Bpay PMT 000182799867 Carried forward			5,737.09 Cr

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			5,737.09 Cr
	Origin Energy.....	310.03		5,427.06 Cr
28 May 2021	Loan from Fgfs Forum Grp Fs.....		14,000.00	
	Afsh Nom Afsh Nom			
	415045.....	12,836.24		6,590.82 Cr
1 Jun 2021	June 2021 Rent Forum Grp Fs.....		13,566.66	20,157.48 Cr
9 Jun 2021	Internet Bpay PMT 000183810023			
	Revenue NSW	202.95		19,954.53 Cr
16 Jun 2021	Xeroauinv Jg6Nk1J5 Xeroaustralipty			
	507156.....	25.65		19,928.88 Cr
21 Jun 2021	Repay 40 534 775 2 Latrobefinancial			
	064914.....	6,274.88		13,654.00 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

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181/7/2/04/N006773/S010478/D20956



NAB Business Everyday Account

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027/013241



23 MARGARET STREET TRUST
46 HOWITT ROAD
CAULFIELD NORTH VIC 3161

Account Balance Summary

Opening balance	\$13,654.00	Cr
Total credits	\$0.00	
Total debits	\$0.00	
Closing balance	\$13,654.00	Cr

Statement starts 1 July 2021
Statement ends 30 July 2021

Outlet Details

Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000

Lending Investment & Insurance Enquiries

Banker Saurabh Shukla
Telephone number (02) 8267 2295

Account Details

23 MARGARET STREET PTY LTD ATF 23 MARGARET STREET TRUST
BUSINESS EVERYDAY AC

BSB number 082-080
Account number 17-868-4593

Transaction Details

Date	Particulars	Debits	Credits	Balance
1 Jul 2021	Brought forward			13,654.00 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

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211/7/2021/0013241/5019688/03937/5

Our Ref: CN:RH:26171
Your Ref:

17 August 2021

Ms Caitlin Murray
Minter Ellison
Level 40, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

By email only: Caitlin.Murray@minterellison.com
 Anthony.Sommer@minterellison.com

Dear Sir/Madam,

Tesoriero, Papadimitriou and Forum Finance Pty Ltd -v- Westpac Banking Corporation Pty Ltd
Federal Court of Australia Proceedings No. NSD616/2021

We refer to the original freezing orders made by Lee J on 2 July 2021 as amended (**Freezing Orders**).

Mr Tesoriero (**Vince**) entered into a purchase contract with a third party vendor (and not a related entity of Mr Tesoriero) on 16 December 2019 (**Purchase Contract**).

Under the Purchase Contract, Vince is required to complete the Purchase Contract by 20 August 2021 (as extended) (**Completion Obligation**). A copy of the Purchase Contract is **attached**.

The Completion Obligation is a bona fide obligation properly incurred under a contract entered into before the Freezing Orders were made.

However, in the current circumstances Vince is not in a position to fulfil his Completion Obligation under the Purchase Contract and in order to mitigate any loss or damage including forfeiture of the deposit paid, Vince proposes to exercise his nomination rights under the Purchase Contract.

Accordingly, this letter serves as notice that Vince intends to nominate a new purchaser who will pay a \$1,200,000 (exc. GST) nomination fee (**Nomination Fee**) and assume the Purchase Contract obligations (**Nomination**).

Vince will consent to the Nomination Fee being paid into Court or to a joint account held in the name of Fortis Law and Minter Ellison.

We understand that the Nominee has engaged solicitors Arnold Bloch Leibler to act on its behalf in the transaction.

Yours faithfully,
FORTIS LAW



Christopher Nehme
Partner

Email: cnehme@fortislaw.com.au



Statement of Account

Lender AFSH Nominees Pty Ltd
Account Manager Advantagedge Financial Services Pty Ltd

Mr V F Tesoriero & 23 Margaret Street Pty Ltd & 23
 Margaret Street Pty Ltd
 44 Howitt Road
 CAULFIELD NORTH VIC 3161

CAN WE HELP YOU ?

Call your Account Manager for statement and account enquiries.

Phone No 1300 543 558
 Fax No 1300 401 684

Loan Start Date 30 Apr 2018
Loan Maturity Date 30 Apr 2048
Loan Amount \$2,880,000.00
Issue Date 02 Aug 2021
Statement Start Date 01 Jan 1900
Statement End Date 02 Aug 2021

Account Name 23 Margaret Street Pty Ltd (IOR & ATF 23 Margaret Street Trust)
Account Type & Loan Number Premium - MN00.1422.YJ2.00011.2202 - FullDoc

Date	Details of Transaction	Debit \$	Credit \$	Balance \$
30-Apr-2018	Settlement Amount	2,880,000.00		2,880,000.00
30-Apr-2018	Payment		6.00	2,879,994.00
30-Apr-2018	Interest	314.83		2,880,308.83
30-May-2018	Payment.1		13,727.76	2,866,581.07
31-May-2018	Interest	9,757.69		2,876,338.76
29-Jun-2018	Payment.1		13,727.76	2,862,611.00
30-Jun-2018	Interest	9,429.81		2,872,040.81
30-Jul-2018	Payment.1		13,727.76	2,858,313.05
31-Jul-2018	Interest	9,729.68		2,868,042.73
30-Aug-2018	Payment.1		13,727.76	2,854,314.97
31-Aug-2018	Interest	9,716.13		2,864,031.10
27-Sep-2018	Payment.1		13,727.76	2,850,303.34
30-Sep-2018	Interest	9,386.45		2,859,689.79
30-Oct-2018	Payment.1		13,727.76	2,845,962.03
31-Oct-2018	Interest	9,687.82		2,855,649.85
30-Nov-2018	Payment.1		13,727.76	2,841,922.09
30-Nov-2018	Interest	9,363.47		2,851,285.56
28-Dec-2018	Payment.1		13,727.76	2,837,557.80
31-Dec-2018	Interest	9,656.34		2,847,214.14
30-Jan-2019	Payment.1		13,727.76	2,833,486.38
31-Jan-2019	Interest	9,645.54		2,843,131.92
28-Feb-2019	Payment.1		13,727.76	2,829,404.16
28-Feb-2019	Interest	8,700.82		2,838,104.98
29-Mar-2019	Payment.1		13,727.76	2,824,377.22
31-Mar-2019	Interest	9,613.17		2,833,990.39
30-Apr-2019	Payment.1		13,727.76	2,820,262.63
30-Apr-2019	Pro Pack Annual Assessment Fee	120.00		2,820,382.63
30-Apr-2019	Interest	9,478.74		2,829,861.37
30-May-2019	Payment.1		14,020.57	2,815,840.80
31-May-2019	Interest	9,947.08		2,825,787.88
28-Jun-2019	Payment.1		14,020.57	2,811,767.31
30-Jun-2019	Interest	9,552.87		2,821,320.18
30-Jul-2019	Payment.1		13,597.84	2,807,722.34
31-Jul-2019	Interest	9,318.28		2,817,040.62
30-Aug-2019	Payment.1		13,597.84	2,803,442.78
31-Aug-2019	Interest	8,864.36		2,812,307.14
30-Sep-2019	Payment.1		13,317.42	2,798,989.72

Loan ID 600076

Date	Details of Transaction	Debit \$	Credit \$	Balance \$
30-Sep-2019	Interest	8,551.15		2,807,540.87
30-Oct-2019	Payment.1		13,317.42	2,794,223.45
31-Oct-2019	Interest	8,785.40		2,803,008.85
29-Nov-2019	Payment.1		13,061.76	2,789,947.09
30-Nov-2019	Interest	8,176.10		2,798,123.19
30-Dec-2019	Payment.1		13,061.76	2,785,061.43
31-Dec-2019	Interest	8,433.99		2,793,495.42
30-Jan-2020	Payment.1		13,061.76	2,780,433.66
31-Jan-2020	Interest	8,420.04		2,788,853.70
28-Feb-2020	Payment.1		13,061.76	2,775,791.94
29-Feb-2020	Interest	7,863.55		2,783,655.49
30-Mar-2020	Payment.1		13,061.76	2,770,593.73
31-Mar-2020	Interest	8,390.37		2,778,984.10
30-Apr-2020	Pro Pack Annual Assessment Fee	120.00		2,779,104.10
30-Apr-2020	Interest	7,545.14		2,786,649.24
31-May-2020	Interest	7,573.58		2,794,222.82
30-Jun-2020	Interest	7,349.19		2,801,572.01
31-Jul-2020	Interest	7,614.14		2,809,186.15
31-Aug-2020	Interest	7,634.83		2,816,820.98
30-Sep-2020	Interest	7,408.63		2,824,229.61
30-Oct-2020	Payment.1		12,836.24	2,811,393.37
31-Oct-2020	Interest	7,673.46		2,819,066.83
30-Nov-2020	Payment.1		12,836.24	2,806,230.59
30-Nov-2020	Interest	7,413.41		2,813,644.00
30-Dec-2020	Payment.1		12,836.24	2,800,807.76
31-Dec-2020	Interest	7,644.69		2,808,452.45
29-Jan-2021	Payment.1		12,836.24	2,795,616.21
31-Jan-2021	Interest	7,629.46		2,803,245.67
26-Feb-2021	Payment.1		12,836.24	2,790,409.43
28-Feb-2021	Interest	6,878.02		2,797,287.45
30-Mar-2021	Payment.1		12,836.24	2,784,451.21
31-Mar-2021	Interest	7,600.24		2,792,051.45
30-Apr-2021	Payment.1		12,836.24	2,779,215.21
30-Apr-2021	Pro Pack Annual Assessment Fee	120.00		2,779,335.21
30-Apr-2021	Interest	7,342.36		2,786,677.57
28-May-2021	Payment.1		12,836.24	2,773,841.33
31-May-2021	Interest	7,569.15		2,781,410.48
30-Jun-2021	Payment.1		12,836.24	2,768,574.24
30-Jun-2021	Interest	7,314.37		2,775,888.61
01-Jul-2021	Dishonoured Payment	12,836.24		2,788,724.85
	TOTAL AT END OF PERIOD	3,216,170.59	427,445.74	
01-Jul-2021	CLOSING BALANCE			2,788,724.85
	Total interest charged(\$)	322,974.35		
	Current interest rate(%)	3.20		

Annual Percentage Rates for current period

Date from which the rate applied	Annual Percentage Rates	Higher Rate
30-Apr-2018	3.99%	7.99%
15-Apr-2019	4.14%	8.14%
28-Jun-2019	3.89%	7.89%
02-Aug-2019	3.70%	7.70%
29-Oct-2019	3.55%	7.55%
03-Apr-2020	3.30%	7.30%
27-Apr-2020	3.20%	7.20%
06-Jun-2020	3.20%	7.20%
01-Apr-2021	3.20%	3.20%
01-Jul-2021	3.20%	3.20%

Loan ID

600076

AFG

HOME LOANS

EDGE™



Bill Code: 11544
Bill ID: 606000768

Contact your participating Bank, Credit Union or Building Society to make instant payments from your cheque or savings account.

KEY TO TRANSACTION DETAILS

Payment	- Payment by cheque	Dishonoured Cheque	- Reversal of Payment	Drawdown	- Further advance
Payment.1	- Payment via bank direct debit (CEMTEX)	Dishonoured Payment	- Reversal of Payment.1 and Payment.2	Drawdown.1	- Redraw
Payment.2	- Once off Future Payment	Transfer - Credit.1	- Transfer	Drawdown.2	- Principal Redraw
Payment.3	- Payment via bank direct debit (CUSCAL)	Transfer - Credit.2	- Transfer - offsetting standard payment	Drawdown.3	- Redraw via telegraphic transfer (TT)
Payment.BPay	- B-Pay - offsetting standard payment	Direct Credit	- Direct Credit - offsetting standard payment	Drawdown.4	- Easy Top-Up Fees
Payment.BPay.1	- B-Pay	Direct Credit.1	- Direct Credit		

- Please retain this statement for taxation purposes. - All entries for the past few days noted on this statement are subject to verification.
 - Please inform us if you change your address. - All necessary adjustments will be processed on subsequent statements.

Credit is provided by AFSH Nominees Pty Ltd ABN 51 143 937 437 Australian Credit Licence 391192.

Loan ID **600076**

Simon Brandis

From: Caitlin Murray
Sent: Tuesday 9 November 2021 06:43 PM
To: Alexandra Lawrence; Andrew Clarke; Prestwich, Chris; Prinsloo, Kirsty; Forum (Allens); Sazz Nasimi; Melissa Passarelli; 'law@panetta.com.au'; Yiasemides, Maria; Dobson, Roger; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; justin.kang@dentons.com; b.quan@cornwalls.com.au; Mackenzie Preston
Cc: Michael Hughes; Anthony Sommer; Simon Brandis; Kate Cockburn; Caitlin Murray
Subject: RE: Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995] [MADG-Current_Matters.18091.047678]

Dear Ms Lawrence

I refer to my email below and the affidavit of Mr Nasimi served tonight.

Can you please confirm, including for the purposes of preparing the Court book for his Honour ahead of Friday:

1. whether your client intends to serve any further evidence and, if so, when such evidence will be served; and
2. what orders your client intends to seek, so that we may obtain instructions.

Regards
Caitlin

Caitlin Murray
Partner
T +61 2 9921 4279 M +61 422 977 971
caitlin.murray@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
minterellison.com [Follow us on LinkedIn and Twitter](#)

From: Caitlin Murray <Caitlin.Murray@minterellison.com>
Sent: Monday 8 November 2021 08:04 PM
To: Alexandra Lawrence <Alexandra.Lawrence@madgwicks.com.au>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Prestwich, Chris <Chris.Prestwich@allens.com.au>; Prinsloo, Kirsty <Kirsty.Prinsloo@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au>; Sazz Nasimi <Sazz.Nasimi@madgwicks.com.au>; Melissa Passarelli <Melissa.Passarelli@madgwicks.com.au>; 'law@panetta.com.au' <law@panetta.com.au>; Yiasemides, Maria <myiasemides@jonesday.com>; Dobson, Roger <rdobson@jonesday.com>; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; justin.kang@dentons.com; b.quan@cornwalls.com.au; Mackenzie Preston <Mackenzie.Preston@madgwicks.com.au>
Cc: Michael Hughes <Michael.Hughes@minterellison.com>; Anthony Sommer <Anthony.Sommer@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>; Caitlin Murray <Caitlin.Murray@minterellison.com>
Subject: RE: Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995] [MADG-Current_Matters.18091.047678]

Dear Ms Lawrence

Could you please let us know what orders your client intends to seek on Friday and provide us with a proposed form of order?

Regards

Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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From: Alexandra Lawrence <Alexandra.Lawrence@madgwicks.com.au>
Sent: Monday 8 November 2021 06:12 PM
To: Andrew Clarke <Andrew.Clarke@minterellison.com>; Prestwich, Chris <Chris.Prestwich@allens.com.au>; Prinsloo, Kirsty <Kirsty.Prinsloo@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au>; Sazz Nasimi <Sazz.Nasimi@madgwicks.com.au>; Melissa Passarelli <Melissa.Passarelli@madgwicks.com.au>; 'law@panetta.com.au' <law@panetta.com.au>; Yiasemides, Maria <myiasemides@jonesday.com>; Dobson, Roger <rdobson@jonesday.com>; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; justin.kang@dentons.com; b.quan@cornwalls.com.au; Mackenzie Preston <Mackenzie.Preston@madgwicks.com.au>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Anthony Sommer <Anthony.Sommer@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>
Subject: RE: Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995] [MADG-Current_Matters.18091.047678]

Dear Colleagues

Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors

Further to my below email, please see the sealed copy of the affidavit of Vincenzo Tesoriero sworn 8 November 2021 **attached**.

Kind regards,

Alexandra Lawrence
Lawyer

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Alexandra.Lawrence@madgwicks.com.au

Level 6, 140 William Street, Melbourne VIC 3000
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From: Alexandra Lawrence
Sent: Monday, 8 November 2021 5:47 PM
To: Andrew Clarke <Andrew.Clarke@minterellison.com>; Prestwich, Chris <Chris.Prestwich@allens.com.au>; Prinsloo, Kirsty <Kirsty.Prinsloo@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au>; Sazz Nasimi <Sazz.Nasimi@madgwicks.com.au>; Melissa Passarelli <Melissa.Passarelli@madgwicks.com.au>; 'law@panetta.com.au' <law@panetta.com.au>; Yiasemides, Maria <myiasemides@jonesday.com>; Dobson, Roger <rdoobson@jonesday.com>; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; justin.kang@dentons.com; b.quan@cornwalls.com.au; Mackenzie Preston <Mackenzie.Preston@madgwicks.com.au>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Anthony Sommer <Anthony.Sommer@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>
Subject: RE: Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995] [MADG-Current_Matters.18091.047678]

Dear Colleagues

Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors

We refer to the orders of Lee J dated 21 October 2021 in the abovementioned proceeding and **attached** by way of service the Affidavit of Vincenzo Tesoriero sworn 8 November 2021.

A copy has been filed with the Court and we will provide a sealed copy once available.

Kind regards,

Alexandra Lawrence
Lawyer

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Alexandra.Lawrence@madgwicks.com.au

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Security Warning: We take cyber security risks seriously. Please confirm any bank transfer details by phone directly before making a payment.

From: Andrew Clarke <Andrew.Clarke@minterellison.com>
Sent: Friday, 5 November 2021 6:46 PM
To: Prestwich, Chris <Chris.Prestwich@allens.com.au>; Prinsloo, Kirsty <Kirsty.Prinsloo@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au>; Sazz Nasimi <Sazz.Nasimi@madgwicks.com.au>; Alexandra Lawrence <Alexandra.Lawrence@madgwicks.com.au>; Melissa Passarelli <Melissa.Passarelli@madgwicks.com.au>; 'law@panetta.com.au' <law@panetta.com.au>; Yiasemides, Maria <myiasemides@jonesday.com>; Dobson, Roger <rdoobson@jonesday.com>; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; justin.kang@dentons.com; b.quan@cornwalls.com.au
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Anthony Sommer <Anthony.Sommer@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>
Subject: Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995]

Dear Colleagues

Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors

We refer to order 15 of the orders of Lee J dated 21 October 2021 in the abovementioned proceedings and **attach** by way of service unsealed copies of the following documents which have been filed with the Court:

1. the Applicants' Fourth Further Amended Originating Application; and
2. the Applicants' Second Further Amended Statement of Claim.

Once sealed copies are received from the Court they will be provided.

Regards

Andrew Clarke

Associate

T +61 2 9921 8514

andrew.clarke@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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IMPORTANT INFORMATION, PLEASE READ

RETURN TO OFFICE

Public health orders influence our Return to Office Policy in each office jurisdiction. The Policy promotes a vaccinated workplace, and takes effect when professional services employees are permitted to return to the office following lockdown or when borders open to interstate travel without the need to quarantine. When the Policy takes effect in each jurisdiction, only fully vaccinated partners, employees, clients and visitors will have access to our office. [Read more for access procedures.](#)

OTHER MATTERS

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10 November 2021

BY EMAIL: Sazz.Nasimi@madgwicks.com.au

Sazz Nasimi
Partner
Madgwicks Lawyers
Level 6, 140 William Street
Melbourne VIC 3000

Dear Mr Nasimi

**Westpac Banking Corporation & Anor v Forum Finance Pty Limited (in liquidation) & Ors
Federal Court of Australia proceeding number NSD616/2021 (Proceedings)**

We refer to our recent correspondence in relation to the case management hearing listed at 9.30am on Friday 12 November 2021 (**Case Management Hearing**) and to your affidavit sworn 9 November 2021 (**Nasimi Affidavit**).

We have not yet received a response to our recent correspondence about the Case Management Hearing, nor have you indicated what, if any, orders your client intends to seek at the Case Management Hearing. We are unable to obtain instructions in relation to any orders proposed by your client without this information. You have also not confirmed whether your client intends to serve any further evidence on which he intends to rely at the Case Management Hearing and, if so, when such evidence will be served.

We refer to the estimate of legal fees set out at paragraph 21 of the Nasimi Affidavit, which total \$682,885.52 and are only until the end of 2021. So that we can properly consider and obtain instructions on any proposed variation to the existing freezing orders against Mr Tesoriero can you please indicate:

1. the terms of the variation your client proposes to seek to the freezing orders;
2. in relation to the estimate which has been provided:
 - (a) the foreshadowed interlocutory applications to which an estimate of 8 and 10 days for Senior Counsel and Junior Counsel respectively has been estimated; and
 - (b) the nature of the expert evidence your client intends to adduce and which has been provided for in the estimate. The matters set out in your client's affidavit sworn 8 November 2021, to the extent that this affidavit reflects his proposed defence of the Proceedings, do not appear to be matters that would require expert evidence. Your estimate assumes Senior Counsel and Junior Counsel will require 2 and 3 days respectively in relation to expert evidence before the end of 2021.

Please respond without delay and by no later than **12pm Thursday 11 November 2021**. A response within this time is necessary to enable us to seek instructions prior to the Case Management Hearing.

Level 40 Governor Macquarie Tower 1 Farrer Place Sydney
GPO Box 521 Sydney NSW 2001 Australia DX 117 Sydney
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ME_192781252_2

All of our clients' rights are expressly reserved.

Yours faithfully
MinterEllison

A handwritten signature in cursive script that reads "MinterEllison".

Contact: Anthony Sommer T: +61 2 9921 4182
anthony.sommer@minterellison.com
Partner: Caitlin Murray T: +61 2 9921 4279
OUR REF: 1353397