

Form 59  
Rule 29.02(1)

## Affidavit

No. NSD 1220 of 2020

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

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

**MELISSA LOUISE CADDICK & ANOR**

Defendants

Affidavit of: **Michael Kevin Hayter (in relation to Mr Adam Grimley)**  
Address: Level 4, 20 Hunter Street Sydney  
Occupation: Solicitor  
Date: 17th February 2022

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1	Affidavit of Michael Kevin Hayter	1 - 3	1 - 3
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I, **Michael Kevin Hayter**, Solicitor, of Level 4, 20 Hunter Street, Sydney New South Wales 2000, say on oath:

- I am the solicitor on record for Mr Bruce Gleeson and Mr Daniel Robert Soire, the Liquidators of Maliver Pty Ltd (In Liquidation) and Receivers to the property of Melissa Louise Caddick (**Ms Caddick**).




Filed on behalf of

Bruce Gleeson and Daniel Robert Soire – Receivers of the Property of  
Melissa Louise Caddick

Prepared by

Michael Kevin Hayter

Law firm

Swaab

Tel 02 9233 5544

Fax 02 9233 5400 Ref: 217242

Email [mkh@swaab.com.au](mailto:mkh@swaab.com.au)

Address for service

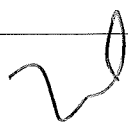
Level 4, 20 Hunter Street, Sydney NSW 2000

2. At the time of swearing this Affidavit, an Exhibit has been prepared on my behalf and I will refer to the documents in the Exhibit in tabulated order from time-to-time throughout this Affidavit as **EX "MKH1"**.
3. I refer to the Judgment delivered by the Honour Justice Markovic in these Proceedings on 22 November 2021 (**the Judgment**).
4. I note that pursuant to Order 6 of the Judgment, the Receivers of the Receivership Property were required to give Notice to any Interested Party of their intention to possess or realise any of the Receivership Property and to inform those Parties in writing that they should advise the Receivers within fifteen (15) business days if they objected to the taking of possession or sale of any such Receivership Property, specify the basis of their objection and provide documentary evidence in support of their objection.
5. The Receivers instructed Swaab Lawyers to serve Notices upon Adam Grimley. Mr Grimley is the brother of Ms Caddick and is the 1/100 registered proprietor of the property located at [REDACTED] Mr Grimley makes no claim to the Dover Heights property and has agreed to sign documents to enable the Receivers to sell such property. Mr Grimley also resides at the property located at [REDACTED] of which Ms Caddick is the sole registered proprietor. Therefore, the Receivers were of the view that Mr Grimley was an Interested Party.
6. I have partially redacted the attachments to this affidavit to keep confidential the email address of Adam Grimley.

**Service of Notice on Adam Grimley and Objections**

7. Set out below in chronological order is correspondence sent to and received from Mr Adam Grimley for the period from 24 November 2021 to 11 February 2022:

<b>Content</b>	<b>Date</b>	<b>Page of EX MKH1</b>
Email and letter from Swaab to Adam Grimley attaching Notice and Orders	24 November 2021	4 – 14
Email from Adam Grimley to Swaab	25 November 2021	15 – 16
Email from Adam Grimley to Swaab	15 December 2021	17
Email and letter from Swaab to Adam Grimley	23 December 2021	18 – 23



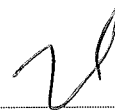

Email from Adam Grimley to Swaab	5 January 2022	24 – 25
Email and letter from Swaab to Adam Grimley	12 January 2022	26 -28
Email and letter from Swaab to Adam Grimley	3 February 2022	29 – 30
Email and letter from Swaab to Adam Grimley	8 February 2022	31 – 45
Email and letter from Swaab to Adam Grimley	10 February 2022	46 – 47
Email from Adam Grimley to Swaab	11 February 2022	48

8. In the email on 15 December 2021, Mr Grimley raised objections to the Receivers dealing with the following items:

- (a) The property located at [REDACTED] and
- (b) An item of jewellery, being Item 53 in the Pickles valuation report.

Sworn by the deponent  
at Sydney  
in New South Wales  
on 17th February 2020  
Before me:

)  
)  
)  
)  
)



Signature of deponent

Signature of witness

*Jonathan Paul Youssier*  
Solicitor

*Level 4, 26 Hunter Street, Sydney NSW 2000.*

## EXHIBIT NOTE MKH - 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	<b>Australian Securities and Investments Commission</b>
First defendant	<b>Melissa Louise Caddick and Anor</b>
Number of defendants	<b>2</b>

This is the Exhibit marked "**MKH - 1**" to the Affidavit of Michael Kevin Hayter produced, shown and exhibited at the time of swearing this Affidavit before me on

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**Name:**

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**From:** Kyna Messias on behalf of Michael Hayter  
**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 Adam Grimley.pdf

Dear Mr Grimley,

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](mailto:mkh@swaab.com.au) | [www.swaab.com.au](http://www.swaab.com.au) | [Profile](#) | [vCard](#)

24 November 2021

ABN 71 028 846 652

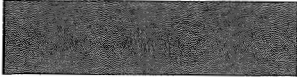
Level 4, 20 Hunter Street  
Sydney NSW 2000

DX 522 Sydney NSW

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swaab.com.au

Adam Grimley



Dear Mr Grimley

**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

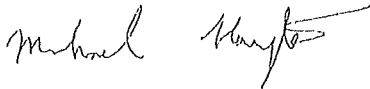
By email

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 Adam Grimley;
- 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 Vacluse 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: Adam Grimley**



**Via email only:**



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.



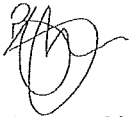
You, as an interested party, are to advise us within 15 business days of this Notice if you object to the taking possession of or sale of any of the Receivership Property and specify the basis of your objection. You are also required to provide any documentary evidence in support of your objection.

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](mailto: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

**From:** [REDACTED]  
**Sent:** Thursday, 25 November 2021 12:18 PM  
**To:** Michael Hayter  
**Cc:** Kyna Messias; Suzi Stojanovski  
**Subject:** Re: Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 - Judgment Delivered 22 November 2021 ("the Judgment") [SWA-AB.FID327846]  
**FilingDate:** 25/11/2021 12:56:00 PM

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 5 Wallangra Road, Dover Heights property.

I will advise any objections prior to the 15 business days outlined in your correspondence.

Thank you

Adam Grimley

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**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 Mr Grimley,

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

**Swaab**

Level 4, 20 Hunter Street, Sydney NSW 2000 | DX 522 Sydney

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ISO 9001:2015 Certified

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We do not accept responsibility for any damage caused by this email (or an attachment) due to viruses, unauthorised access, alteration or interception.

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**From:** [REDACTED]  
**Sent:** Wednesday, 15 December 2021 10:26 AM  
**To:** Michael Hayter  
**Cc:** Bruce Gleeson  
**Subject:** Fw: Adam Edward Grimley: 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  
**Categories:** Printed

Dear Mr Hayter,

Please refer to the email below.

Thank you

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**From:** adam grimley [REDACTED]  
**Sent:** Wednesday, December 15, 2021 09:49 AM  
**To:** Bruce Gleeson <bgleeson@jonespartners.net.au>  
**Subject:** Adam Edward Grimley: Formal Claim: NSD 1220/2020 ASIC V Melissa Louise Caddick & ANOR

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 x 6000 = 144,000) and my Citibank statements as documentary evidence.

In addition, I claim ownership of Item "53 Jewlery" 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,  
Adam Grimley  
[REDACTED]

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**From:** Kyna Messias on behalf of Michael Hayter  
**Sent:** Thursday, 23 December 2021 2:10 PM  
**To:** [REDACTED]  
**Cc:** Kyna Messias; Suzi Stojanovski  
**Subject:** 20211223 - Letter to Adam Grimley Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 ("the Proceedings") - Response to Objections [SWA-AB.FID350009]  
**Attachments:** 20211222 - Letter to Adam Grimley.pdf

Dear Mr Grimley,

Please see attached correspondence.

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

23 December 2021

Adam Grimley  


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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swaab.com.au

Dear Mr Grimley

**Australian Securities and Investments Commission vs Caddick 2021 FCA  
1443 ("the Proceedings")  
Objections to take possession of and sell Receivership Property**

We refer to your email to Mr Gleeson dated 15 December 2021 in response to the Judgment handed down on 22 November 2021 and the subsequent Notice served on you by our clients as Receivers to the Property of Melissa Louise Caddick.

The purpose of this letter is to seek clarification from you as to some of the matters raised by you in your email and to understand the basis of your claims. We realise you are unrepresented and therefore may need some more detailed explanations as to what the Court is likely to require from you in the Proceedings.

Our clients realise that this is an extremely difficult time for you and no doubt very stressful for you dealing with these issues on your own behalf and also on behalf of your parents. Obviously, our clients have Receivership duties to perform which includes assisting the Court in resolving claims to Ms Caddick's assets in which objections are made ("Disputed Assets") such as the property at   ("the Edgecliff Property") and the jewellery referred to in your email to Mr Gleeson dated 15 December 2021. The more information our clients have the more beneficial it will be for our clients in making a full disclosure to the

**Contact**

Michael Hayter  
Partner  
mkh@swaab.com.au

Our ref  
216008

By email  


Court and to Investors and also in considering how any contested issues can be resolved. Accordingly, if you have any other information that you consider may be of assistance please provide it.

We should also note that any correspondence and information received from you will not be subject to confidentiality and it is likely such correspondence and information will be provided to the Court and to Investors / Creditors of Melissa Louise Caddick and Maliver Pty Ltd.

We note that pursuant to the Court Orders made on 22 November 2021 ("22 November Orders") and the Notice of Intention to Realise Receivership Property ("Notice") you were required (if you chose to do so) to advise our clients if you objected to the taking possession or sale of any Receivership Property and specify the basis of your objection. Property and Receivership Property as defined in the 22 November Orders.

In response you put our clients on notice that you claim an interest in the Edgecliff Property and claim ownership of a particular item of jewellery known as Item 53. Could you clarify that on the basis of such claims you object to our clients taking possession of or selling either of those assets. We realise it probably follows from your letter, but we wish to ensure there is no ambiguity, for example that you consent to the Receivers taking possession and selling but then seek part of the proceeds or alternatively that you actually oppose possession of and sale as well.

We confirm that the likely Court Regime, which will follow after affected Parties object to our clients taking possession of or selling particular assets of Ms Caddick is that our clients will likely need to make an Application to the Court for directions as to how any disputes in relation to the Disputed Assets in question should be resolved. This will likely involve contested proceedings between our clients as Receivers and affected Parties who oppose our clients taking possession of and selling such assets. For this purpose, our clients need to have an understanding of the legal basis upon which parties object to the Receivers taking possession and selling such Property, as it may impact upon the Court

Regime which follows for determination of those issues. With that in mind we seek clarification of your Position in respect of the Edgecliff Property and jewellery Item Number 53. A copy of this letter and a copy of your response may be provided to the Court.

The Edgecliff Property:

You would be aware that your parents are also claiming an Interest in the Edgecliff Property. It is our clients' position that your parents did not contribute to the actual purchase of the Edgecliff Property, albeit payments were later contributed by them to a bank account in the name of Ms Caddick. We also note your comment that you made contributions to Ms Caddick's bank accounts.

It is our clients' position that Ms Caddick has utilised funds obtained from Investors to purchase the Edgecliff Property and also service to some extent the mortgage over the Edgecliff Property and that you appear to have made some contributions into the same mortgage account (but made no contributions to the funds initially utilised to purchase such Property). There appears then to be three competing classes of Parties in respect of the Edgecliff Property namely your parents, yourself, and Investors (through the Receivership).

Could you clarify that you do not assert that you have contributed any funds that were utilised to initially purchase the Edgecliff Property?

If at all possible are you in a position to comment upon or advise as to whether you assert your entitlement to an interest in the Edgecliff Property arises in priority to the claims of your parents or the Investors and if so on what legal basis? We realise this is a legal issue and you may wish to obtain legal advice on this aspect. We wish to understand in relation to the interest you're claiming as to whether you're claiming that interest in priority to the claim of your parents or the claims of Investors or both and if so on what basis?

You stated in your letter that you agreed to make the mortgage payments for the Edgecliff Property [(which you understood was treated as rent by your sister)] given that under the Wills of your parents and sister you would be a beneficiary

of the Edgecliff Property. No correspondence, Statutory Declaration, or Will of your parents has been provided by you. We don't understand and you may be able to clarify as to what legal basis those factual matters above would then give rise to a possible claim or interest you may have in the Edgecliff Property itself. We also note that the majority of descriptions recorded on your payments were labelled "rent" which is consistent with the treatment by Ms Caddick that she was the true owner of the Property and claimed her mortgage payments as tax deductions. Are you saying such payments by you did not constitute rent? If so, why did you characterise such payments as rent? Was this done with the knowledge your sister would use these records to claim tax deductions for her mortgage payments from the Australian Taxation Office?

Is there any particular reason that some of the payments you made were deposited into Ms Caddick's personal bank account and some into her mortgage account?

Could you also clarify when and how you became aware that you would be a beneficiary of her Will relating to the Edgecliff Property? Were you given copies of any Wills of your sister? If so, when were you given copies of those Wills and do you have copies of correspondence passing between you and your sister concerning these matters which you will be prepared to provide to us?

It would also be of assistance if you could provide a Statutory Declaration or at least a letter outlining the conversations which occurred between you and your sister in respect of the Edgecliff Payments made by you.

Another relevant matter is whether you received any payments from your sister or Maliver Pty Ltd at any stage? Would you be prepared to execute a Statutory Declaration confirming that is not the position?

At this stage we do not consider you have an arguable claim to an interest in the Edgecliff Property, but will reconsider the position after we receive your response.

Item number 53 Jewellery of the Pickles Report:

You state this was a gift and was stored in a safe at the Dover Heights Property.

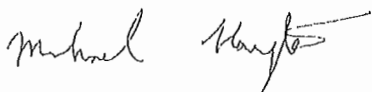
You don't say who received the gift? Could you clarify who purchased the jewellery, who made the gift, who received the gift and the circumstances in which that occurred. Could you also clarify whether you are prepared to execute a Statutory Declaration confirming those factual matters? If the item of jewellery was yours why did you keep it in your sister's safe at the Dover Heights Property instead of retaining custody yourself?

We also note that the issues relating to the Edgecliff Property involve some degree of legal complexity. We note you previously instructed lawyers in the matter and again point out it may be in your interests to obtain legal advice prior to responding to this letter in detail. As stated, a copy of this letter and your response may be provided to the Court when our clients next make an Application to the Court.

If at all possible, could you reply to this letter within 3 weeks or alternatively inform us if you require additional time to do so.

Finally, if you're in a position to advise us could you clarify whether you would wish to participate in an Application for Determination by the Court as to whether our clients should be in a position to take possession of and sell the Edgecliff Property or is it the position that you merely wish us to bring to the Court's attention a copy of your email dated 15 December 2021 and your response to this letter.

Yours Truly,



**Michael Hayter**



**From:** [REDACTED]  
**Sent:** Wednesday, 5 January 2022 6:22 PM  
**To:** Michael Hayter  
**Cc:** Kyna Messias; Suzi Stojanovski  
**Subject:** Re: 20211223 - Letter to Adam Grimley Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 ("the Proceedings") - Response to Objections [SWA-AB.FID350009]

Dear Mr Hayter,

Confirming receipt of your letter on 23 December 2021.

In this correspondence I will only be able to address the timing, as most legal offices are closed until 10 January 2022.

I will commit to specific timing (expected to be by the end of January 2022), once I have legal representation as you proposed.

Thank you,  
Adam Grimley

---

**From:** Kyna Messias <ksm@swaab.com.au> on behalf of Michael Hayter <mkh@swaab.com.au>  
**Sent:** Thursday, December 23, 2021 02:09 PM  
**To:** [REDACTED]  
**Cc:** Kyna Messias <ksm@swaab.com.au>; Suzi Stojanovski <sxs@swaab.com.au>  
**Subject:** 20211223 - Letter to Adam Grimley Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 ("the Proceedings") - Response to Objections [SWA-AB.FID350009]

Dear Mr Grimley,

Please see attached correspondence.

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

**Swaab**

Level 4, 20 Hunter Street, Sydney NSW 2000 | DX 522 Sydney

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Swaab will close at 5pm on Thursday, 23 December 2021 and will re-open on Monday, 10 January 2022 at 8:30am. We wish you all the best for the festive season celebrations and look forward to working with you in 2022.

Security warning: Law firms and their clients are being specifically targeted by fraudsters. For your protection, please *do not transfer money (to us or anyone else)* in response to an email payment request that appears to come from us, without first *verifying the account details with us by phone* using our number as shown on our website or letterhead, on your engagement letter or in your first email from us (and not any number given in the email request itself).

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**From:** Kyna Messias on behalf of Michael Hayter  
**Sent:** Wednesday, 12 January 2022 10:53 AM  
**To:** [REDACTED]  
**Cc:** Kyna Messias; Suzi Stojanovski  
**Subject:** 20220112 - Correspondence to Adam Grimley re Receivership Property [SWA-AB.FID350009]  
**Attachments:** 20220111- Letter to Adam Grimley.pdf; Pickles Valuation - Artwork, Clothing and Paintings.pdf

Dear Mr Grimley,

Please see attached correspondence.

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

12 January 2022

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

Adam Grimley



Dear Mr Grimley

**Australian Securities and Investments Commission vs Caddick 2021 FCA 1443 ("the Proceedings")**  
**Objections to take possession of and sell Receivership Property and list of Receivership Property**

We refer to your letter dated 5 January 2022.

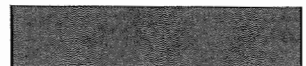
It would be appreciated if at all possible you could advise this week when we can expect a response to previous correspondence, as it is likely our clients will be filing an Application in the Federal Court of Australia before the end of the month.

We realise you probably already have the document but just in case you don't we attach a schedule from Pickles setting out what our client understands to be a full listing of the artwork, clothing and paintings which form part of Receivership Property. With reference to the schedule could you in due course identify all items to which you object to our client taking possession of and/or selling. At this stage we note that you make a claim to an interest in relation to the Edgecliff property (albeit at this stage we do not know what that claim is) and the legal basis upon which the claims made. We furthermore note consistent with previous correspondence there are competing claims to priority to that property namely the competing claims of National Australia Bank, your parents and Investors. When you respond to these matters could you or your lawyers, who you intend to

Contact  
Michael Hayter  
Partner  
mkh@swaab.com.au

Our ref  
216008

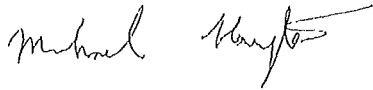
By email



appoint, clarify whether you are seeking to claim a priority to the property over the interests of National Australia Bank, your parents or Investors.

If you require clarification of any matters or we can answer any queries, please do not hesitate to contact us.

Yours Truly,

A handwritten signature in cursive script, appearing to read "Michael Hayter". The signature is written in black ink and is positioned above the printed name.

Michael Hayter

---

**From:** Sonitha Naicker <sn@swaab.com.au>  
**Sent:** Thursday, 3 February 2022 4:55 PM  
**To:**  
**Cc:** Michael Hayter  
**Subject:** Australian Securities & Investments Commission v Caddick & Anor - 217242 [SWA-AB.FID350009]  
**Attachments:** 20220203 - Letter to Adam Grimley.pdf

Dear Mr Grimley

Please see **attached** letter dated 3 February 2022.

Yours faithfully

**Sonitha Naicker on behalf of Michael Hayter**  
Legal Secretary  
Swaab  
D +61 2 9777 8347 | T +61 2 9233 5544 | F +61 2 9233 5400  
sn@swaab.com.au | www.swaab.com.au



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25 January 2022

ABN 71 028 846 652

Level 4, 20 Hunter Street  
Sydney NSW 2000

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Dear Mr Grimley

**Australian Securities and Investments Commission vs Caddick 2021 FCA  
1443 ("the Proceedings")  
Objections to take possession of and sell Receivership Property and list  
of Receivership Property**

We refer to previous correspondence.

Please advise when you will be in a position to reply to previous correspondence.

Yours Truly,

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

**Michael Hayter**

**Contact**

Michael Hayter  
Partner

mkh@swaab.com.au

Our ref  
216008

By email

**From:** Sonitha Naicker <sn@swaab.com.au>  
**Sent:** Tuesday, 8 February 2022 3:29 PM  
**To:**  
**Cc:** Michael Hayter; Suzi Stojanovski  
**Subject:** ASIC v Caddic & Anor - Interlocutory Application - 217242 [SWA-AB.FID350009]  
**Attachments:** 2022.02.08 - Letter to Adam Grimley.pdf; 2022.02.08 - Interlocutory Application 2 Feb 2022 (Sealed on 08.02.2022).PDF; 2022.02.08 - Affidavit of Bruce Gleeson 2 Feb 2022 (Sealed on 08.02.22).PDF

Dear Mr Grimley

Please see **attached** our letter dated 8 February 2022 together with enclosures.

Yours faithfully

**Sonitha Naicker on behalf of Michael Hayter**  
Legal Secretary  
Swaab  
D +61 2 9777 8347 | T +61 2 9233 5544 | F +61 2 9233 5400  
sn@swaab.com.au | www.swaab.com.au

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8 February 2022

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Level 4, 20 Hunter Street  
Sydney NSW 2000

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F +61 2 9233 5400

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Adam Grimley

Dear Mr Grimley

**Australian Securities and Investments Commission vs Caddick 2021 FCA  
1443 (“the Proceedings”)  
Objections to take possession of and sell Receivership Property and list  
of Receivership Property**

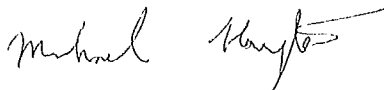
We refer to previous correspondence and **enclose** by way of service sealed copies of Interlocutory Application and Affidavit of Bruce Gleeson sworn 2 February 2022.

You will note that the Interlocutory Application is returnable before the Court at 9.30am on 24 February 2022.

Please confirm, as a matter of urgency, whether you will be appearing (or someone on your behalf).

Please also clarify whether you will be opposing any of the orders sought and if so, specify which orders.

Yours Truly,



**Michael Hayter**

**Contact**

Michael Hayter  
Partner

mkh@swaab.com.au

Our ref  
216008

By email

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/02/2022 2:49:31 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number:	NSD1220/2020
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v MELISSA LOUISE CADDICK & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Case Management Hearing
Time and date for hearing:	24/02/2022, 9:30 AM
Place:	Court Room 22B, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



*Sia Lagos*

Dated: 8/02/2022 10:09:57 AM AEDT

Registrar

### Important Information

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

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

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

Form 35  
Rule 17.01(1)



## Interlocutory Application

No. NSD1220 of 2020

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

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

### MELISSA LOUISE CADDICK

First Defendant

### BRUCE GLEESON

First Applicant in Interlocutory Application

### DANIEL ROBERT SOIRE

Second Applicant in Interlocutory Application

The Applicants in the Interlocutory Application, Bruce Gleeson and Daniel Robert Soire in their capacity as Joint and Several Receivers ("Receivers") of the Receivership Property of the first defendant as appointed by this Court pursuant to judgement of the Honour Justice Markovic on 22 November 2021 pursuant to Section 1101B(1) of the Corporations Act, apply for the interlocutory orders set out in this application.

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

**Time and date for hearing:**

**Place:** Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000

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

[Form approved 01/08/2011]



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

Date:

---

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



### Orders sought

1. That the Receivers would be justified in realising, by sale, the shares identified in Schedule 1 to this application and applying the proceeds of such sale:
  - (i) first, in discharge of the costs of the sale process; and
  - (ii) thereafter by deposit into the Receivers' Trust account established in accordance with paragraph 4(d) of the orders made by the Court on 22 November 2021.
  
2. That the Receivers would be justified in taking possession of the properties described in Schedule 2 and Schedule 3 (the **Properties**) to this application, realising the Properties and applying the proceeds of such sale:
  - (i) first, any necessary property adjustments in order to sell the properties including applicable council, water, strata and utility rates;
  - (ii) second, the sales and marketing expenses of any real estate agent employed by the Receivers;
  - (iii) third, costs in relation to conveyancing costs of the solicitor for the Receivers;
  - (iv) fourth, the legal fees and charges in respect of any possession proceedings (if possession is not delivered up by any occupant);
  - (v) fifth, costs of attending to the Execution of Writ of Possession (if applicable);
  - (vi) sixth, any taxes including but not limited to Capital Gains Tax, Land Tax and Goods and Services Tax (GST);
  - (vii) seventh, any costs of insurance and any other reasonable expenses incurred for protection and maintenance of the Properties;
  - (viii) eighth, the mortgage debts secured over the Properties pursuant to the registered mortgages to National Australia Bank;
  - (xi) ninth, costs of any valuation reports obtained by the Receivers;
  - (x) tenth, costs of attending to remove, securing, dealing with and storing any Receivership Property located at the Properties; and
  - (xi) thereafter by deposit into the Receivers' Trust account established in accordance with paragraph 4(d) of the orders made by the Court on 22 November 2021.
  
3. That the Receivers would be justified in realising the monies held in the bank accounts identified in Schedule 4 to this application and applying the proceeds of such realisation:
  - (i) first, in discharge of the costs of the realisation process; and



- (ii) thereafter by deposit into the Receivers' Trust account established in accordance with paragraph 4(d) of the orders made by the Court on 22 November 2021.

4. Costs as against any party who opposes the making of the orders sought by the Receivers.

**Interlocutory orders sought**

5. Directions as to the hearing and determination of any objection made by any of:

- (i) Barbara Grimley,
- (ii) Edward Grimley,
- (iii) Adam Grimley, or
- (iv) Anthony Koletti.

to the realisation or sale of any of the Receivership Property.

6. An order that the Receivers are justified in paying their remuneration costs and expenses approved by the Court in the sum of \$188,017.84 from the Receivers' Trust account.



## SCHEDULE 1

Financial Institution	Account Details
Commonwealth Securities Limited	[REDACTED]
Commonwealth Securities Limited	[REDACTED]

## SCHEDULE 2

The real property located at [REDACTED] Dover Heights NSW and contained in folio identifier [REDACTED].

## SCHEDULE 3

The real property located at [REDACTED] Edgecliff NSW and contained in folio identifier [REDACTED].

## SCHEDULE 4

Financial Institution	Account Name	Account Details
Commonwealth Bank of Australia	Melissa Caddick	[REDACTED]
Commonwealth Securities Limited	Melissa Louise Caddick	[REDACTED]
National Australia Bank	Melissa Louise Caddick	[REDACTED]
National Australia Bank	Melissa Louise Caddick	[REDACTED]
National Australia Bank	Melissa Louise Caddick	[REDACTED]
Westpac Banking Corporation	Melissa Louise Caddick	[REDACTED]
American Express Australia Limited	Melissa Caddick	[REDACTED]



**Service**

It is intended to serve this application on the following persons:

(ASIC and the persons mentioned in 5 above.

Date: 2nd February 2022

A handwritten signature in cursive script that reads "Michael Hayter".

---

Signed by Michael Kevin Hayter  
Lawyer for the Applicants



**NOTICE OF FILING**

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/02/2022 2:49:31 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

**Details of Filing**

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



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

Dated: 8/02/2022 10:10:14 AM AEDT

Registrar

**Important Information**

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

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



Form 59  
Rule 29.02(1)

## Affidavit

No. 1220 of 2020

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

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

**MELISSA LOUISE CADDICK and ANOR**

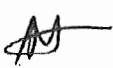

Defendants

Affidavit of: **Bruce Gleeson**  
Address: Level 13, 189 Kent Street, Sydney NSW  
Occupation: Registered Liquidator  
Date: 2 February 2022

### Contents

I, Bruce Gleeson, Registered Liquidator of Level 13, 189 Kent Street, Sydney New South Wales 2000, say on oath:

- I refer to the Interlocutory Application I am arranging to file in these proceedings and confirm I am intending to file affidavits setting out details of parties who I have served as "*Interested Parties*" with notice of my intention to take possession of and sell the Receivership Property. Orders made by the Honour Justice Markovic on 22 November 2021 in this Court defines Receivership Property as all property (as

Filed on behalf of (name & role of party)	<u>Bruce Gleeson – Registered Liquidator</u>
Prepared by (name of person/lawyer)	<u>Michael Kevin Hayter</u>
Law firm (if applicable)	<u>Swaab</u>
Tel	<u>02 933 5544</u>
Fax	<u>02 9233 5400</u>
Email	<u>mkh@swaab.com.au</u>
Address for service (include state and postcode)	<u>Level 4, 20 Hunter Street, Sydney NSW 2000</u>

defined in section 9 of the *Corporations Act 2001 (Cth)* of Melissa Louise Caddick ("Ms Caddick").

### **Receivership Property**

2. Assets which I have identified in previous affidavits filed in this Court that form Receivership Property include:
  - (a) a residential property situated at Dover Heights, NSW ("Dover Heights Property");
  - (b) a residential property situated at Edgecliff, NSW ("the Edgecliff Property");
  - (c) a domestic share trading account held in the name of Ms Caddick held with Commonwealth Securities Limited ("the CommSec Domestic Share Trading Account");
  - (d) an international share trading account held in the name of Ms Caddick held with Commonwealth Securities Limited ("the CommSec International Share Trading Account");
  - (e) various jewellery, clothing and personal effects;
  - (f) bank accounts in the sole name of Ms Caddick;
  - (g) bank accounts held jointly with Ms Caddick and others which Ms Caddick may have a legal or equitable interest in; and
  - (h) bank accounts in and names of others which Ms Caddick may have a legal or equitable interest in.
  
3. At this stage, and for the purpose of the Interlocutory Application accompanying this affidavit, I initially seek to obtain the leave of the Court to take possession of and sell (or realise) the following Receivership Property:
  - (a) the Dover Heights Property;
  - (b) the Edgecliff Property;



- (c) the CommSec Domestic Share Trading Account;
- (d) the CommSec International Share Trading Account;
- (e) bank accounts in the sole name of Ms Caddick;

and defer consideration of the other Receivership Property referred to in the preceding paragraph to a later date. The reasons for deferring the realisation of some of the Receivership Property referred to above is that there are continuing communications (between myself and Ms Caddick's family members) and investigations as to whether certain family members may have claims to specific items of Receivership Property referred to in paragraph 2(e), and the sale of those items of Receivership Property are not as time critical as the items of Receivership Property noted in 3(a) – 3(e) above.

4. In particular, there is some urgency to the Dover Heights Property and the Edgecliff Property in that both properties are subject to registered mortgages in favour of the National Australia Bank who are owed approximately \$4 million regarding the Dover Heights Property and approximately \$1.5 million regarding the Edgecliff Property. At present no party is servicing the monthly repayments to the National Australia Bank of approximately \$9,200 and \$4,800 regarding the Dover Heights Property and Edgecliff Property respectively. Accordingly, interest is continuing to accrue regarding each registered mortgage which is ultimately eroding the available equity available in the properties. Further, there are also outstanding expenses regarding the Dover Heights Property and Edgecliff Property regarding strata levies and council rates, totalling approximately \$26,700 which no party is paying.
5. In respect of the CommSec Domestic Share Trading Account and CommSec International Trading Account, I am concerned as to the ongoing volatility of the domestic and international share markets and wish to be able to realise those shares in accordance with the advice of my licenced broker.



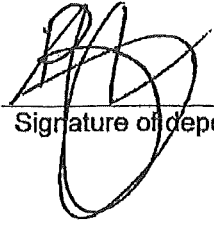
**Objections to realisation of Receivership Property**

6. I confirm I intend to file an affidavit of my solicitor Michael Kevin Hayter in support of this application which will set out the objections received to date from Interested Parties to the sale (or realisation) of Receivership Property by me and Daniel Robert Soire (as Joint and Several Receivers to the property of Ms Caddick) to date. In summary, I outline below the objections I have received to date and the parties who have made those objections with reference to the specific items of Receivership Property the objections relate, namely:
- (a) Edward and Barbara Grimley, (the parents of Ms Caddick) - the Edgecliff Property and some items of jewellery and personal effects;
  - (b) Adam Grimley (the brother of Ms Caddick) - the Edgecliff Property and some items of jewellery; and
  - (c) Anthony Koletti (the husband of Ms Caddick) - all assets of Ms Caddick excluding the CommSec Domestic Share Trading Account and CommSec International Share Trading Account.
7. I have received no other objections from any Interested Parties to the sale of the Receivership Property.
8. I have received no objections to the realisation of the CommSec Domestic Share Trading Account and CommSec International Share Trading Account.
9. I have received no objections to the realisation of any bank accounts held solely in the name of Ms Caddick, other than Mr Koletti.

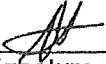


Sworn by the deponent  
at Sydney  
in New South Wales  
on 2 February 2022  
Before me:

)  
)  
)  
)



Signature of deponent



Signature of witness

Suzi Stojanovska, Solicitor  
This Affidavit was signed and witnessed  
in accordance with section 146 of the  
Electronic Transactions Act 2000.  
Name and qualification

---

**From:** Sonitha Naicker  
**Sent:** Thursday, 10 February 2022 11:36 AM  
**To:** [REDACTED]  
**Cc:** Michael Hayter; Suzi Stojanovski  
**Subject:** ASIC v Caddick & Anor - 217242 [SWA-AB.FID350009]  
**Attachments:** 2022.02.10- Letter to Adam Grimley.pdf

Dear Mr Grimley

Please see **attached** our letter dated 10 February 2022.

Yours faithfully

**Sonitha Naicker on behalf of Michael Hayter**  
Legal Secretary  
Swaab  
D +61 2 9777 8347 | T +61 2 9233 5544 | F +61 2 9233 5400  
sxn@swaab.com.au | www.swaab.com.au

<sup>10</sup>  
8 February 2022

ABN 71 028 846 652

Level 4, 20 Hunter Street  
Sydney NSW 2000

DX 522 Sydney NSW

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Adam Grimley



Dear Mr Grimley

**Australian Securities and Investments Commission vs Caddick 2021 FCA  
1443 ("the Proceedings")  
Objections to take possession of and sell Receivership Property and list  
of Receivership Property**

We refer to previous correspondence and particularly our clients' Interlocutory Application returnable in the Federal Court on 24 February 2022.

We refer to our previous correspondence relating to the Dover Heights property. We note you previously indicated you will not be making a claim to the property, notwithstanding that you are registered as a 1% owner of the property (which we understand was done solely for the purpose of your sister obtaining funding).

We previously requested your clarification that, in the event our clients are entitled to sell the property, you will sign any sale documents which will enable your interest in the property to be also transferred. Could you confirm that you are prepared to execute transfer documents to enable that to occur? If you are not prepared to execute documents in that manner, we will need to amend our clients' Interlocutory Application to include you as a party in relation to some of the relief our clients seek in respect of the Dover Heights property in the proceedings. It would assist everyone if you agreed to sign the documents enabling the transfer to proceed.

We await your response.

Yours Truly,

Michael Hayter

Contact

Michael Hayter  
Partner

mkh@swaab.com.au

Our ref

216008

By email





**From:** adam grimley <[REDACTED]>  
**Sent:** Friday, 11 February 2022 10:24 AM  
**To:** Sonitha Naicker  
**Cc:** Michael Hayter; Suzi Stojanovski  
**Subject:** Re: ASIC v Caddick & Anor - 217242 [SWA-AB.FID350009]

Dear Sonitha,

My position has always been that I did not contribute to the any funds going into the Dover Heights property and had agreed in an affidavit signed and dated Friday 14<sup>th</sup> May 2021 at the ASIC offices with Steph Colbran in attendance.

Clause 27 in the above affidavit remains true.

"27. I will not make a claim or assert any interest in the Dover Heights Property."

Your assertion that this "was done solely for the purpose of your sister obtaining funding)," is not true.

It was to address issues arising due to a prior marriage.

I will sign off what is needed as necessary.

Regards  
Adam Grimley

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**From:** Sonitha Naicker <[REDACTED]>  
**Sent:** Thursday, February 10, 2022 11:35 AM  
**To:** [REDACTED]  
**Cc:** Michael Hayter <[REDACTED]>; Suzi Stojanovski <[REDACTED]>  
**Subject:** ASIC v Caddick & Anor - 217242 [SWA-AB.FID350009]

Dear Mr Grimley

Please see **attached** our letter dated 10 February 2022.

Yours faithfully

**Sonitha Naicker on behalf of Michael Hayter**  
Legal Secretary  
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**Swaab**

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