

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 blue 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)	Bruce Gleeson – Registered Liquidator
Prepared by (name of person/lawyer)	Michael Kevin Hayter
Law firm (if applicable)	Swaab
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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.

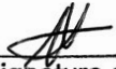


Sworn by the deponent
at Sydney
in New South Wales
on 2 February 2022
Before me:

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Signature of deponent



Signature of witness

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