

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/05/2022 5:17:36 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: Concise Statement  
File Number: NSD1220/2020  
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v  
MELISSA LOUISE CADDICK & ANOR  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



*Sia Lagos*

Dated: 2/05/2022 5:25:53 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.

## Concise Response: Barbara and Edward Grimley



No. NSD 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

### Introduction

1. Having received and read paragraphs 1, 2 and 3 of the Concise Statement ( the **CS**) filed on behalf of Barbara and Edward Grimley, the Court Receivers :
  - a. accept that any dispute raised either by the Court Receivers or individual investors to the ongoing occupation of the property at ( address of Edgecliff Property ( the "Property" ) ) or to the proprietary claim made by Barbara and Edward Grimley to the Property in their Concise Statement ought be conducted in properly formulated proceedings ;
  - b. accept that, at present, the Court Receivers have no authority to institute any such proceedings for and on behalf of any individual investors;
  - c. accept that to the extent that the Court Receivers determine that, in exercise of the powers granted to them by the Orders of this Court, they seek to displace Mr and Mrs Grimley from their present occupation of the Property or to challenge the existence of any proprietary interest in the Property then such ought to take place in proceedings commenced by them as plaintiffs; and
  - d. observe that, before such proceedings are commenced, the Court Receivers are required to obtain directions from the Court pursuant to paragraph 6 of the orders made on 22 November 2021.

### Factual allegations contained in the Concise Statement

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Filed on behalf of	BRUCE GLEESON & DANIEL ROBERT SOIRE in their capacity as
Prepared by	joint and several receivers of the property of Melissa Caddick
Law firm	Michael Kevin Hayter
Tel	02 9233 5544
Email	<a href="mailto:mkh@swaab.com.au">mkh@swaab.com.au</a>
Address for service	Level 4, 20 Hunter Street, Sydney NSW 2000
(include state and postcode)	

2. The Court Receivers do not admit , but at present have no reason to doubt, the truth of the matters alleged in paragraph 4 , and 5 of the CS.
3. The Court receivers admit the allegations in paragraph 10 and 14 of the CS.
4. The Court Receivers do not, on the basis of material that has come into their possession, know and therefore cannot admit the truth of the factual allegations made in paragraphs 6,7,8,9,11,12 and 13.

**Response to the Explanation of the Legal grounds for the Relief Claimed in the CS.**

5. The Court Receivers, having now received the CS and the documentary material relied upon by Mr and Mrs Grimley in support of those claims:
  - a. do not accept that that material establishes the existence of a Life Estate, as opposed to a mere right to occupy, the Property;
  - b. deny that the existence of such a right to occupy precludes the immediate sale of the Property,
  - c. do not accept that those matters establish the existence of the 37.37% proprietary interest in the Property; and
  - d. intend to conduct investigations, including by seeking to conduct public examinations of third parties and, potentially, of Mr and Mrs Grimley so as to enable them to form a view as to the existence and validity of the claims made in the CS.

**Conclusions**

6. For these reasons, the Court Receivers:
  - a. do not presently intend to apply to displace Mr and Mrs Grimley from their occupation of the Property; and
  - b. do not presently seek orders from the Court pursuant to paragraph [6] of the orders made on 22 November 2021, authorising the commencement of proceedings in relation to the Property but may do so after completing investigations and preparing a Statement of Claim for the approval of the Court.

Date: 2 May 2022



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Signed by Michael Kevin Hayter  
Solicitor for the Applicants