



Transcript of Proceedings

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State Reporting Bureau
Date: 7 February, 2005

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 50 of 2005

SERGUEI TROELNIKOV and
OLGA BORISOVA

Applicants

CAIRNS

..DATE 04/02/2005

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for air protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: The applicants are the parents of Andrew Troelnikov, an infant born on 26 April 1999.

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The applicants are, as joint tenants with the child Andrew Troelnikov, the registered owners of property described as Lot 25 on RP 738257 County of Nares Parish of Smithfield.

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The applicants have contracted to transfer the land to an intending purchaser, Pintack Pty Ltd. The contract calls for the settlement of that transaction to be undertaken today.

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The applicants contracted in this form unaware that it was not possible for the infant in his own right to convey the land.

What is proposed is that the applicants be appointed as trustees to sell the land on their own behalf and that of the infant, and that from the net proceeds of the sale a trust fund be established to be used for the welfare of the child. It is proposed that one third of the net proceeds of the sale be applied to that trust fund.

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The fund having been established, it is suggested that either the applicants or Mr Joseph Salzone or some combination of those persons be appointed as trustees to hold the trust fund for the benefit of the infant.

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That course seems to me to be appropriate. The infant is still of very tender years. For the reason that there ought be some independent person to guide any future investments of

the trust fund for the benefit of the infant, Mr Joseph Salzone should be one of the trustees. It is suggested that the male applicant be appointed as joint trustee with Mr Salzone, and I find that that approach is in the interests of the infant on the material before me.

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The other orders sought simply require the vesting of the trust fund in those trustees, and the procedural order notifying the Registrar of Land Titles of that appointment.

I will make orders in terms of the draft initialled by me and placed with the papers.

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