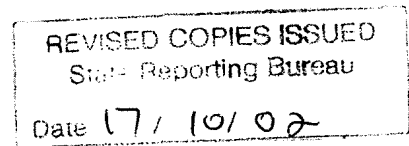




Transcript of Proceedings

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SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 160 of 2002

T G WRIGHT MANAGEMENT SERVICES PTY
LTD ACN 081 642 480 (IN LIQUIDATION)

First Applicant

and

DEAN ROYSTON MCVEIGH

Second Applicant

and

ELENA STEVENS

Respondent

CAIRNS

..DATE 14/10/2002

JUDGMENT

A handwritten signature in black ink, appearing to be a stylized name or initials.

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 their 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 application by Mr Tommy Edwards filed on the
14th of October 2002 is struck out. There will be no order as
to costs.

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JUDGMENT



[2002] QSC 351 Lib

Transcript of Proceedings

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HIS HONOUR: This is an application by the liquidator of T G Wright Management Services Pty Ltd in liquidation. The application concerns dealing with the proceeds of the sale of two parcels of real estate by the Westpac Bank. The last of those properties was sold on October 12th 2002, and the estimate of the amount likely to be recovered from the proceeds of the two sales, after satisfying the bank securities is \$76,160. That sum is an estimate because the costs of realising the property had not been fully established.

On the 23rd of July 2002, I made an order pursuant to section 588FF of the Corporations Act that the respondent transfer all her right title and interest of any sum payable to her, up to discharge of all registered encumbrances of the amount sum payable to her upon the sale of the two parcels of real estate. I made that order in the absence of the respondent, although I was satisfied at the time that she was aware of the proceedings, but that she chose not to appear.

That order was initially stayed until the 20th of August 2002 which was subsequently extended to the 20th of September 2002 to allow the respondent to show cause why the order should not be discharged. No application was made to show such cause, and in the circumstances therefore the stay expired, in my view, on the 20th of September 2002.

The applicant makes the application now as an abundance of caution, given that the respondent has, on the 11th of October

2002, filed what she purports to be a defence of further amended originating application.

That is neither a defence, nor is it in terms an application for a stay. What it does is make an unsubstantiated claim for a return of monies which the respondent claims she paid in respect of the purchase of the two properties. There is also a suggestion of a complaint about the evaluations given to the bank about the properties.

The original application by the liquidator was simply to recover monies which, in my assessment leading to the order of the 23rd of July 2002, were properly claimed by the liquidator.

The matters which are raised in the correspondence from the respondent, which I have designated as Exhibit 1 in these proceedings, do not in any way challenge the validity of that order. If the respondent wishes to raise claims of the kind which she has identified in that correspondence, then they need to be raised in proceedings other than the one which is currently before me.

In all the circumstances I order that the stay of the order made on the 23rd of July 2002 be lifted. I further order that the respondent pay the costs of and incidental to this application to be taxed on a standard basis including reserved costs.
