

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	24/02/2025 5:56:49 PM AEST
Date Accepted for Filing:	24/02/2025 5:57:06 PM AEST
File Number:	QUD13/2025
File Title:	IN THE MATTER OF VOYAGER RESORT LIMITED (IN LIQUIDATION) ACN 010 547 618
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.

Certificate identifying annexure
(rule29.02)



Federal Court of Australia

No. QUD13/2025

District Registry: Queensland

Division: General

IN THE MATTER of VOYAGER RESORT LIMITED (In Liquidation)
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 63 pages are the annexure marked "BVH-31" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.


.....
Benjamin Leigh Sandford

Annexure "BVH-31"

Bundle of Documents relating to Gorse, D

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

Address for Service MAHONEYS

Level 18, 167 Eagle Street, Brisbane Qld 4000

Email: info@mahoneys.com.au



Current Title Search

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	16919021	Search Date:	02/08/2021 11:44
Date Title Created:	20/06/1986	Request No:	38062597
Previous Title:	16814215, 16814216		

ESTATE AND LAND

Estate in Fee Simple

LOT 58 BUILDING UNIT PLAN 6459
Local Government: GOLD COAST
COMMUNITY MANAGEMENT STATEMENT 8766

REGISTERED OWNER

INTEREST

DORIS GORSE

2/51

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984
TO VOYAGER RESORT LIMITED
ORIGINAL TERM: FOR 99 YEARS
COMMENCING 27 DEC 1984
OR OPTIONS AS MAY BE STATED

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

I, Doris Gorse of 4/15 Wallis Parade, North Bondi, in the State of New South Wales, Australia, Home Duties, being of sound mind and body, do solemnly declare that:-

1. I have given to my daughter, Hazel Lang, all monies received from the sale of my property in Queensland for the purchase of a home unit at Dover Heights, to be placed in her name.
2. My daughter, Hazel Lang, has given me the full use of her home unit, situated at 4/15 Wallis Parade, North Bondi, for the term of my natural life and this has been mutually agreed by us both, to the satisfaction of us both.
3. I give my complete consent and permission to these arrangements which were decided by us in October, 1991 and I am very satisfied and happy to continue with these arrangements indefinitely.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900.

Subscribed and Declared at Bondi Sydney
this 26 Feb 1992 x Dan Gorel
Before me: _____

Justice of the Peace

THIS IS THE LAST WILL AND TESTAMENT of me DORIS GORSE of 4/15 Wallis Parade, Bondi in the State of New South Wales, Pensioner

1. I HEREBY REVOKE all former Wills and Testamentary dispositions heretofore made by me AND DECLARE this to be my last Will and Testament.
2. I APPOINT my friend ROGER EMILE FARRAY to be the sole Executor and Trustee of this my Will but if he predeceases me or is unwilling to act or die before completion of his duties as Executor and Trustee : this my Will THEN I APPOINT EDWARD MORRISON of 22/15 Wallis Parade, North Bondi to be the sole Executor and Trustee of this my Will.
3. I GIVE DEVISE AND BEQUEATH the whole of my Estate both real and personal of whatsoever nature and kind and wheresoever situate and whether vested contingent or in remainder unto my grandchildren MATTHEW ANTON, MICHELLE LANG and ADRIAN LANG in equal shares or the survivor or survivors thereof in equal shares.
4. I DECLARE that part of my Estate consists of my money derived from the sale of my two units at Labrador, Queensland and invested by my daughter Hazel Lang on my

Doris Gorse

Diane Hall

C. J. J. J.

Page 2.

half in property in her name situate at Unit 2, 1 Bulga
Road, Dover Heights.

WITNESS whereof I have hereunto set my hand to this my

All this 20th day of December
one thousand nine hundred and ninety-three.

SIGNED by the said Testatrix as)
and for her last Will and)
Testament in the presence of us)
both present at the same time)
and we at her request and in)
her sight and presence and in)
the sight and presence of each)
other have hereunto subscribed)
our names as witnesses)

Donna Gorse

Diane Hall.
227 Elizabeth Street
Sydney.
Clerk.

Janet
Selinger
Sydney

HAZEL LANG
2/1 BULGA ROAD, DOVER HEIGHTS NSW 2030

24th May, 1996

Mrs. Doris Gorse
4/15 Wallis Parade
NORTH BONDI 2026 NSW

Dear Mrs. Gorse

YOUR WILL

Enclosed is a copy of your proposed draft Will in which you requested me to arrange the preparation and drawing up of your Will, in accordance with your verbal instructions to me.

Please read the Will carefully, ensuring that the provisions of the Will are clear and in the manner in which you direct, in readiness for execution before two witnesses.

Yours faithfully,



HAZEL LANG

THIS IS THE LAST WILL AND TESTAMENT of me DORIS GORSE of 4/15

Wallis Parade, North Bondi in the State of New South Wales, Pensioner.

1. I HEREBY REVOKE all former Wills and Testamentary dispositions

heretofore made by me AND DECLARE this to be my last Will and Testament.

2. I APPOINT my friend ROGER EMILE FARRAY to be the sole Executor and

Trustee of this my Will but if he predeceases me or is unwilling to act or dies before

completion of his duties as Executor and Trustee of this my Will THEN I APPOINT

EDWARD MORRISON of 22/15 Wallis Parade, North Bondi to be the sole Executor

and Trustee of this my Will.

3. I GIVE DEVISE AND BEQUEATH the whole of my Estate both real and

personal of whatsoever nature and kind and wheresoever situate and whether vested

contingent or in remainder unto my daughter HAZEL LANG at her discretion and at

an appropriate time in the future, to share equally between the grand children

MICHELLE LANG ADRIAN LANG and MATTHEW ANTON in equal shares or

the survivor or survivors thereof in equal shares.

4. I GIVE DEVISE AND BEQUEATH the Voyager Time-Share Units equally to

HAZEL LANG Week 50 and TRISHA ANTON Week 51.

IN WITNESS whereof I have hereunto set my hand to this my will this

day of

One thousand nine hundred and ninety-six.

SIGNED by the said Testatrix as and for)
her last Will and Testament in the presence)
of us both present at the same time and we at)
her request and in her sight and presence and)
in the sight and presence of each other have)
hereunto subscribed our names as witnesses)

12/26/1996 22:46 7182790122

ROBERT/TRICIA ANTON

PAGE 02

THIS IS THE LAST WILL AND TESTAMENT of me DORIS GORSE of 4/15 Wallis Parade, North Bondi in the State of New South Wales, Pensioner.

1. I HEREBY REVOKE all former Wills and Testamentary dispositions heretofore made by me AND DECLARE this to be my last Will and Testament.
2. I APPOINT my friend ROGER EMILE FARRAY to be the sole Executor and Trustee of this my Will but if he predeceases me or is unwilling to act or dies before completion of his duties as Executor and Trustee of this my Will THEN I APPOINT EDWARD MORRISON of 22/15 Wallis Parade, North Bondi to be the sole Executor and Trustee of this my Will.
3. I GIVE DEVISE AND BEQUEATH the whole of my Estate both real and personal of whatsoever nature and kind and wheresoever situate and whether vested contingent or in remainder unto my daughter HAZEL LANG at her discretion and at an appropriate time in the future, to share equally between the grand children MICHELLE LANG ADRIAN LANG and MATTHEW ANTON in equal shares or the survivor or survivors thereof in equal shares.
4. I GIVE DEVISE AND BEQUEATH the Voyager Time-Share Units equally to HAZEL LANG Week 50 and TRISHA ANTON Week 51.

IN WITNESS whereof I have hereunto set my hand to this my will this

12th

day of

JUNE

One thousand nine hundred and ninety-six.

SIGNED by the said Testatrix as and for her last Will and Testament in the presence of us both present at the same time and we at her request and in her sight and presence and in the sight and presence of each other have hereunto subscribed our names as witnesses

) Doris Gorse
)
)
)
)
)

Dr Beulhouse Dukistowski DIRETOR
House wife 28 BURKE ST BOONDI JUNCTION
27/15 WALLIS PARADE NORTH BONDI

12/27/1996 00:46

7182790122

ROBERT/TRICIA ANTON

PAGE 02

NEW SOUTH WALES

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

DEATH CERTIFICATE

REGISTRATION NUMBER

21973/1996

1 DECEASED	Family Name Christian or Given Name(s)	GORSE Doris
	Date of Death Place of Death Sex and Age Place of Birth Period of Residence in Australia Place of Residence	19 June 1996 Sacred Heart Hospice, Darlinghurst Female 77 years Manchester, England 41 years 4/15 Wallis Pde North Bondi 2026
	Usual Occupation Marital Status at Date of Death	Home Duties Widowed
2 MARRIAGE(S)	Place of Marriage Age when Married Full Name of Spouse	Manchester, England 27 years Eric Wallace Gorse
3 CHILDREN	In order of birth names and ages	Patricia 49 Mazel 46
4 PARENTS	Father's Name Mother's Name Mother's Maiden Family Name	Unknown Elizabeth GREEN
5 MEDICAL	Cause of Death and Duration of last illness	Complications of gastric carcinoma.
	Name of Certifying Medical Practitioner or Coroner	J. Abernethy, Deputy State Coroner, Gobe
6 BURIAL or CREMATION	Date Place	28 June 1996 Eastern Suburbs Crematorium Matraville
7 INFORMANT	Name Address Relationship to deceased	H. Lang 2/1 Bulga Rd Dover Heights 2030 Daughter
8 REGISTERING AUTHORITY	Name Date	B. A. Flett, Registrar 17 July 1996
9 ENDORSEMENT(S)		Not any

Before accepting copies, sight unaltered original. The original has a coloured background.

REGISTRY OF BIRTHS
DEATHS AND MARRIAGES

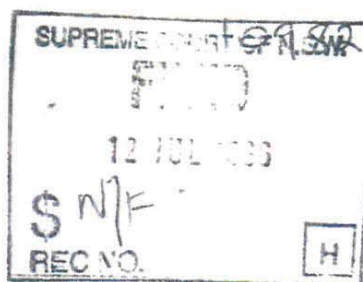
SYDNEY

15 Aug 1996

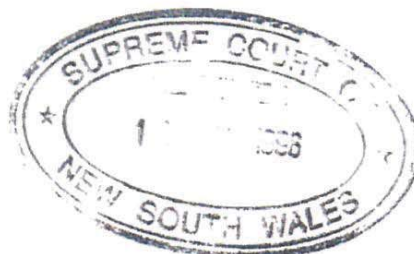
I hereby certify that this is a true copy of particulars recorded in a
Register in the State of New South Wales, in the Commonwealth of Australia

Barbara Flett

Registrar



109957/96.



I, Roger E Albina of 5/15 Wallis Parade, North Bondi, 2026 self-employed declare-

a

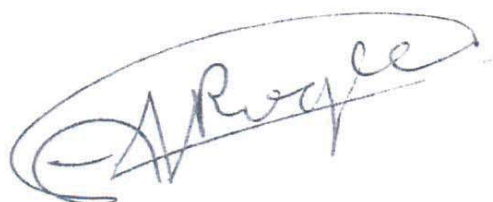
1. I am one of the executors appointed by the will dated 12/6 1996, and no codicils of Doris Gorse of 4/15 Wallis Parade, North Bondi 2026, mother/housewife who died on 18/6 1996.
2. I have not intermeddled in the state of the deceased.
3. I renounce all right to probate of the will and to all trusts powers and authorities expressed by the will to be made or given to me.

Dated: 12/7 1996

Signed in the presence of



Justice of the Peace



IN THE SUPREME COURT OF NEW SOUTH WALES
PROBATE DIVISION

The Estate of

Doris Gorse

late of
North Bondi

in the State of New
South Wales

Pensioner
deceased.

* or codicil

RENUNCIATION BY EXECUTOR

I, EDWARD MORRISON

of 22/15 WALLIS PDE BONDI

declare:

1. I am the execut^{or}_{rix} appointed by will*

dated 12th June 1996

of Doris Gorse

late of 4/15 Wallis Parade, North Bondi

who died on 19.6.1996

2. I have not intermeddled in the estate of the deceased

3. I renounce all right to probate of the will and
to all trusts, powers, and authorities expressed
by the will to be made or given to me.

~~4. I request the Public Trustee to apply for
administration with the will annexed of the estate.~~

Dated: 17 JUL 1996

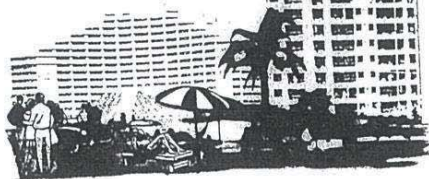
Signed in the }
presence of: }

(Sign here)

Edward Morrison

W 32 JP-

VOYAGER
TIME SHARE RESORT



VOYAGER RESORT LTD.

"Overlooks Pacific Ocean — Monorail to Casino"

ACN 010 547 618

F A C S I M I L E

TO: PATRICIA ANTON ATTENTION OF: _____
 0011-1-
 FAX NO: (718) 2790122
 BROOKLYN.
 FROM: GEOFF HEATON
 DATE: 27th DEC 1996 PAGES: 1.

MESSAGE:

THANK YOU FOR YOUR FAX.

WE HAVE TRIED TO CONTACT YOUR SOLICITOR
STEVEN CARRINGTON — NO REPLY/PHONE NOT ANSWERED.

THIS IS THE ONLY NOTIFICATION WE HAVE
HAD THAT DORIS CORSE HAS PASSED AWAY

& WE WILL REQUIRE DEATH CERTIFICATE & SOLICITORS
ADVICES BEFORE TRANSFERS OF TITLE CAN BE

EXECUTED. WE ALSO NEED TO ASCERTAIN WHO
PAY LEVIES FOR WEEKS 50 + 51

ONCE WE CONTACT STEVEN CARRINGTON WE WILL
TAKE FURTHER ACTION & ADVISE YOU ACCORDINGLY

Heaton GEOFF HEATON
 MANAGER.

167, Old Burleigh Rd. Broadbeach, Gold Coast, Qld. 4218, P.O. Box 71, Broadbeach.

Telephone: (07) 5538 7833. Fax: (07) 5592 2135

12/27/1996 00:46

7182790122

ROBERT/TRICIA ANTON

PAGE 01

FAX (07) 559-22135
11-61 7559-22135

Patricia Anton
Tel: (718) 279-0123
Fax: (718) 279-0122

Mr. Geoff Heaton
Voyager Resort Ltd.

Dear Mr. Heaton,

Thank you for your fax, I appreciate your fast action in this matter. My sister Hazel thinks she is above the law. As I said in my previous fax she is being investigated by the Waverley, NSW. Police. The day my mother died, I believe Hazel Lang removed all monies from my mother's bank accounts. She did not tell the bank that my mother had died. I believe she paid the maintenance out of my mother's money approx. \$20,000.00. Dt. Sgt. Woods of Waverley police has a file on this investigation.

I am rather surprised that you were not advised of my mother's passing. Hazel Lang, my sister obviously decided to deceive you as she had done to the bank. Until probate is granted these time shares were supposed to be banked. As I said previously Ms. Lang thinks she is above the law and uses ignorance as a defence, which is preposterous.

I have enclosed a copy of my mother's death certificate. It is quite possible that Mr. Carrington is on vacation over the holiday week-end, try contacting Dt. Sgt. Woods at Waverley police he will enlighten you. Please advise Surfers Paradise police of this matter. I would appreciate their telephone and fax numbers.

Thank you for your assistance. Please act on this, I am tired of her antics.

Yours Truly,

Patricia Anton

02-93699899
Phoned Sgt Sgt Woods
3.15 27/12
He said nothing can
happen - civil matter
for courts.

12/27/1995 23:48

7182790122

ROBERT/TRICIA ANTON

PAGE 01

Patricia Anton
Tel:(718)279-0123
Fax:(718)279-0122

Mr. Geoff Heaton
Voyager Resort Ltd.

Dear Mr. Heaton,

What is going on? I have not heard from you. It is most important that the police be advised of this theft. I do not want her to walk out of the state, scott free. Please advise the name, phone and fax number of the officer handling the case.

Thank you.

Yours truly,



Patricia Anton

12/28/1996 04:27 7182790122

ROBERT/TRICIA ANTON

PAGE 01

Patricia Anton
Fax (718)279-0122

December 28, 1996

Mr. Geoff Heaton
Voyager Resort Ltd
Fax (07)55922135

Dear Mr. Heaton,

I was very surprised to hear that you have decided not to initiate anything and treat this as a civil matter. In that case, would you please deposit my week 51 from 1996 in the RCI spacebank pool. I have paid my mother's membership in RCI for the past few years and I believe it is still current. Thank you for all your assistance in this matter. I wish you and your family a Happy New Year.

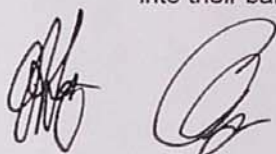
Yours truly,



Patricia Anton

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1. I, HAZEL LANG of 2/1 Bulga Road, Dover Heights in the State of New South Wales, Australia, 2030, Paralegal, make the following declaration under section 9 of the *Statutory Declarations Act 1959*.
2. I refer to the matters of:-
The Supreme Court of Queensland Registry: Brisbane, Number BS13638/21
Before Justice Ryan Date: 25 March 2022
AND
The Supreme Court of Queensland Registry: Brisbane, Number BS15269/22
Before Justice Freeburn Date: 2 May 2023
3. The particulars contained in a Statutory Declaration of 26th February 1992 signed by my deceased mother, Doris Gorse, and witnessed by a Justice of the Peace, is a true account of how my mother's Queensland property was to be distributed to me, and that the only beneficiary of this property is myself, Hazel Lang.
4. My mother's property consisted of a time share in The Voyager Resort, being Lot 14D and consisted of 2 weeks' time share. The Voyager Resort timeshare and business was sold.
5. Mr Bradley Hellen and Mr Nigel Robert Markey of Pilot Partners of Level 10, 1 Eagle St, Brisbane City, Queensland, 4000 were appointed Liquidators of the Company on 2 May 2023. I forwarded my mother's Statutory Declaration to the Liquidators months ago and the Statutory Trustees recently.
6. There are three (3) Statutory Trustees who were also time share owners in the property. The names of these Statutory Trustees are Geoffrey Graeme Heaton (at present employed as manager for The Voyager Resort), Angela Julian-Armitage and Geoffrey Philip Walters.
7. I have contacted Bailey Cox and Amelia Meek of Pilot Partners on many occasions by telephone and by email to seek the reasons why I have not been paid. They have not given me any information as to how the matter can be resolved except to tell me to get a solicitor and that I should deal with the Statutory Trustees.
8. Stonewalling - When I contact the Trustees they tell me to contact Pilot Partners. When I contact Pilot Partners they tell me to contact the Trustees. I have not been given any postal Notice of Address for Service for the Statutory Trustees.
9. I have an email address for the Statutory Trustees, [trustees@voyagerresort.com.au] but have not received a reply to any of my 10+ emails.
10. When I asked Bradley Hellen for a Notice of Address for Service for the Trustees and contact details in this matter, he responded by saying "It is against privacy".
11. During a telephone conversation with Trustee Geoffrey Graeme Heaton for assistance, when I put it to him that he had received his payout, he replied "Yes, but I'm not dead". He hung up stating he was busy.
12. I have been advised by two other owners that they received their share proceeds. Two owners that I know of received an undated letter and unnumbered statement without a letterhead or signature outlining his payout. The other person informed me that they received the payout into their bank account without any statement or communication whatsoever.



13. Pilot Partners and the three Statutory Trustees have not replied to my emails or phone messages regarding my requests. They have merely sent me newsletters. I have requested Pilot Partners on a number of occasions to tell me what would be necessary to process my claim as I have been waiting many months for payment. They did not reply. They also did not send me any hard copy communication, phone call or email. I believe that there has been a deliberate attempt to conceal information as there is no transparency in their dealings.
14. Pilot Partners have given me no explanation as to why they have not paid me. They simply say "get a solicitor" but I do not require a solicitor to receive payment that is duly mine. I believe this behaviour is totally unprofessional and I question if they are non compliant.
15. I asked both Pilot Partners and the Statutory Trustees for the name of their solicitor. I have not received this information.
16. I have concerns about extra costs charged to the owners without our consent. There are a number of queries but two such costs are \$64,630.75 and \$30,463.64 because of two trustees' disputes between each other. I have not received any statement or information about these additional legal costs. Owners have already paid legal costs of \$179,606.77 including appointment of trustees as well as other costs.
17. I believe it would be appropriate for the Statutory Trustees and Liquidators to be investigated. As a great sum of money is being withheld from owners, I question who benefits from the interest accrued. I would like to know details of the bank where the money is held.
18. I have received no information, very little response and no payment whatsoever. This is unacceptable from a Liquidator company and Statutory Trustees.


I believe that the statements in this declaration are true in every particular, and I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, the punishment for which is imprisonment for a term of 4 years.



Hazel Lang
Mob: 0400.177.177

Declared at Bondi Junction on the 19th day of February 2024.

Observed by me:



COURTNEY ANNE REYNOLDS
A Justice of the Peace in and for
the State of New South Wales
Reg No. 218571

voyager resort

From: Hazel Lang <strataplan3132@gmail.com>
Sent: Tuesday, 21 June 2022 5:40 PM
To: voyager resort
Subject: Owner contact details

Doris Gorse
PO Box 7058
Bondi Beach NSW 2026

email: expressyourself431@gmail.com

Voyager Accounts

From: Trustees / Voyager Resort
Sent: Saturday, 3 December 2022 8:37 AM
To: Voyager Accounts
Subject: FW: PAYMENT OF SALE DISTRIBUTION
Attachments: Document.pdf

From: Natasha Lang <expressyourself431@gmail.com>
Sent: Friday, 21 October 2022 4:17 PM
To: Trustees / Voyager Resort <trustees@voyagerresort.com.au>; info@voyaverresort.com.au
Subject: Fwd: PAYMENT OF SALE DISTRIBUTION

This had already been sent to trustees@voyagerresort.com.au. here it is again. Would you please acknowledge receipt.

Thanks

Hazel Lang

----- Forwarded message -----

From: **Natasha Lang** <expressyourself431@gmail.com>
Date: Thu, 22 Sep 2022, 21:54
Subject: PAYMENT OF SALE DISTRIBUTION
To: <trustees@voyagerresort.com.au>

Please find attached the completed form.

TO WHOM IT MAY CONCERN

2 December 2022

1. On the morning of 13 November, 2022, Bree, the Receptionist at the Voyager Resort met me in the lounge area of the Voyager resort and presented me with an alleged Will and copy of Death Certificate of my late mother, Doris Gorse, who owned two timeshares in Voyager Resort.
2. I asked her where this came from and she told me that it had been sent to Voyager Resort in 1996 by my sister, Tricia Anton. I asked for a copy of it to which she provided to me.
3. After reading this Will, to which I had never seen before, I discovered many anomalies.
4. Firstly, this alleged will was dated 12th June, 1996. My mother was in a hospice at this time and died on 19 June, 1996, one week later.
5. The spelling of my sister's name in this alleged Will is spelt 'Trisha' which is incorrect. The spelling of the name she uses is Tricia and in any event, my mother knew my sister by the name of Ann, and would not sign a Will with incorrect spelling and not the family name that we had always used. I knew my sister by the name of Ann and have never used the name Tricia. I note the name on the top of the fax as Tricia.
6. My sister never visited the hospice and arrived in Australia for the funeral. In 1996 the manager of the Voyager Resort received this fax, simply filed it away without doing anything, responding to either the fax or contacting me here in Australia.
7. It would seem prudent that he should make contact with a relative, namely myself or respond to the fax sent by Tricia Anton which simply was filed away for 26 years. In other words, no action whatsoever was taken by Voyager management.
8. Voyager accounting records will be recorded showing Hazel Lang as having paid the levies for the past 26 years.

**VOYAGER RESORT**

167 Old Burleigh Rd, Broadbeach, QLD 4218
PO Box 71, Broadbeach, QLD 4218

Phone: +61 7 5538 7833

V# 0835

DORIS GORSE

↑
deceased
SINCE 1990

PAYMENT OF SALE DISTRIBUTION

I/we HAZEL LANG

(enter names as registered with Voyager Resort, including company or trustee as applicable) ✓

of 2/1 BULGA ROAD, DOVER HEIGHTS NSW 2030,

(enter address details)

being (a) financial owner(s) of Voyager Resort, request payment of sale proceeds be made to the following account:

ACCOUNT NAME	<u>HAZEL LANG</u>
BSB	<u>082-067</u> ✓
ACCOUNT NUMBER	<u>23-682-3548</u> ✓

Signed

[Signature]

Name

HAZEL LANG

Date

24.11.22

Email

islands.of.australia@gmail.com ✓

(BR)

Please return your completed form via email (trustees@voyagerresort.com.au) or post.

If the above details change prior to finalisation and distribution of sale proceeds, please notify us as a priority and complete an updated form.



VOYAGER RESORT

167 Old Burleigh Rd, Broadbeach, QLD 4218
PO Box 71, Broadbeach, QLD 4218

Phone: +61 7 5538 7833

PAYMENT OF SALE DISTRIBUTION

I/we

Patricia Anton

For estate of Doris Gorse
(enter names as registered with Voyager Resort, including company or trustee as applicable)

of 133 Main St,
Morris, NY 13808

P.O. Box 44
Morris NY 13808
USA

(enter address details)

USA

being (a) financial owner(s) of Voyager Resort, request payment of sale proceeds be made to the following account:

ACCOUNT NAME	Patricia Anton First National Bank
BSB	043318092
ACCOUNT NUMBER	734559644

Signed

Patricia Anton

Name

Patricia Anton

Date

December 5, 2022

Email

paanton@gmail.com

Please return your completed form via email (trustees@voyagerresort.com.au) or post.

If the above details change prior to finalisation and distribution of sale proceeds, please notify us as a priority and complete an updated form.

Web: www.voyagerresort.com.au

Email: info@voyagerresort.com.au

voyager resort

From: Natasha Lang <expressyourself431@gmail.com>
Sent: Saturday, 22 October 2022 11:31 AM
To: voyager resort
Subject: Update my contact details

Please detail the changes to your contact details (email, phone number, address etc.)

DORIS GORSE
PO BOX 7058
BONDI BEACH NSW 2026

voyager resort

From: Patricia Anton <paanton@gmail.com>
Sent: Friday, 25 November 2022 9:48 AM
To: voyager resort
Subject: Re: Estate of Doris Gorse - Voyager Resort Timeshare
Attachments: image001.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Bree,

In 1996 when my mother passed away , my sister Hazel had my mother in a hospital sign a will just before she died.

Her doctor said she was not in a fit state to sign a new will.

My mum was insistent that I recieve a week at the Voyager. My sister could not change that. The balance of my mother's estate was to be shared between the three Grand children. My son Matthew, and my sisters two children Adrian and Michelle.

My sister Hazel added a sentence that the children would be given the estate when Hazel wished.

Needless to say Hazel kept everything. The Grand children are now middle aged. To date they have not received anything.

I spent a long time in Australia after Mum died trying to fight this altered will. I could not stay longer as I had a job. I taught at NY University.

I wrote to everyone concerned. I don't know why my letters were dismissed.

The problem was that the two executors resigned after Hazel threatened them. The will was never probated.

Hazel's new will was presented to my parent's attorney and as it was more current it became my mother's will. There was nothing they could do.

Consequently the two weeks are still in my mothers name. You mentioned a sale. Is my sister trying to sell the two weeks?

Yes I would like to go forward. I would like you to contact the police as Hazel has been forging my mother signature for years.

Who knows what else she is signing. I wrote to your company in 1996 over 26 years ago. I would not be surprised if she is still collecting my mother's pension.

The 26 years of maintenance does not make a difference she used those time shares to travel all over the world. I am not willing to let this rest. I am very pleased that you came across the papers and the copy of the will that I sent.

The contents of this email and any attachments may be confidential and privileged. If received in error, please notify us immediately and destroy this communication. Any unauthorised use of this email and any attachments is prohibited.

Liability limited by a scheme approved under Professional Standards Legislation.

Fraud warning: Please be aware that there is a significant risk posed by cyber fraud, specifically relating to email accounts and bank account details. Our bank account details will never change during the course of a transaction, and we will never change our bank details via email. Please check account details with us in person. We will not accept responsibility if you transfer money into an incorrect account.

-----Original Message-----

From: scans@ricoh.com <scans@ricoh.com>
Sent: Wednesday, 30 November 2022 12:10 PM
To: Derek <derek@molloyshradler.com.au>
Subject: Message from "RNP5838791F61E6"

This E-mail was sent from "RNP5838791F61E6" (IM C2000).

Scan Date: 11.30.2022 09:10:27 (+0800)

Queries to: scans@ricoh.com



VOYAGER RESORT

167 Old Burleigh Rd, Broadbeach, QLD 4218
PO Box 71, Broadbeach, QLD 4218

Phone: 161 75438 7834

PAYMENT OF SALE DISTRIBUTION

V#0835

I/we DORIS GORSE

(enter names as registered with Voyager Resort, including company or trustee as applicable)

of 415 WALLS PARADE, NORTH BONDI QLD 1566

(enter address details)

being (a) financial owner(s) of Voyager Resort, request payment of sale proceeds be made to the following account:

ACCOUNT NAME	<u>HAZEL LANG</u>
BSB	<u>082 067</u>
ACCOUNT NUMBER	<u>23 682 3548</u>

Legal Team to Review

DORIS
deceased
Hazel has been
fraudulently signing
documents

Signed

Doris Gorse

Name

DORIS GORSE

Date

22.9.22

Email

expressyourself431@gmail.com

Please return your completed form via email (trustees@voyagerresort.com.au) or post.

If the above details change prior to finalisation and distribution of sale proceeds, please notify us as a priority and complete an updated form.

voyager resort

From: Patricia Anton <paanton@gmail.com>
Sent: Saturday, 3 December 2022 3:36 AM
To: voyager resort; Matthew Anton; Michelle Lang; Derek
Cc: Robert Anton
Subject: Re: Doris Gorse

Hi Bree,

I have found the will that was written by my mother's attorney of many years, in 1993. I will forward the documents under a separate cover.

Every thing was supposed to be given to the three grand children.

That was both parents wishes, they felt that Hazel and I had homes and mum wanted the grand children to be able to buy homes too.

For some reason Hazel was not happy with the,1993 will.

Hazel wanted the time shares and control of my mothers money and assets. Hazel was a para legal and married to a solicitor at one time. She wrote the second death bed will. Papers attached under separate cover.

I am so grateful you opened the bag of worms. It has prompted me to look at all the papers that I gathered after my mother passed away. I was very upset at the time as you might imagine.

I found out that my mother had put an order in with her bank in NSW to stop Hazel from using my mum's bank account.

Unfortunately it did not stop her in time for Hazel to draw out another \$20,000 the day mum died.

Hazel's name change to Rosemary Henderson on the property in Dover Heights after Mum died was to hide the property. I guess from me and the grand children.

It could also be to hide it from the government and pensions. Assets today in her name would possibly exceed \$1M

Hazel's assets today far exceed the means test for an Australian pension.
Fraud against the Australian Government?

In 1991 Hazel demanded from the solicitors at the closing on Mums houses in Queensland, the proceeds of the sale: the sum of \$130,000

Hazel had an illegal power of attorney. I doubt if that money ever hit my mothers bank account.

The will I am sending you it makes it quite clear that my mothers money paid for the unit in Dover heights. It should have gone into her name not Hazel's or Rosemary Henderson's which I believe is still Hazel 's official name.

Hazel told me she would put the unit she owned at Wallis Pde ., North Bondi into my mothers name

It was never done. All Hazel did was change the ownership name from Hazel Lang to Hazel Gorse.

Hi Patricia,

Thanks I will put this information with the file.

Have you completed your distribution form I sent over to you?

I will just need that received before the 15th of December.

Sincerely,

Bree

From: Patricia Anton <paanton@gmail.com>
Sent: Thursday, 1 December 2022 4:46 PM
To: voyager resort <info@voyagerresort.com.au>
Subject: Fwd: Doris Gorse

----- Forwarded message -----

From: Derek <derek@molloyschrader.com.au>
Date: Tue, Nov 29, 2022, 5:20 PM
Subject: Doris Gorse
To: Patricia Anton <paanton@gmail.com>

Good morning,

I have been trying to chase up my mother's original will.

It seems Hazel was forging my mothers signature back in 1991

She took the papers and possibly the will.

Hazel changed her name to Rosemary Henderson somewhere between 1991 and 1994. (I will scan the document I found in my papers today)

voyager resort

From: Robert Anton <anton7413@yahoo.com>
Sent: Tuesday, 6 December 2022 8:44 AM
To: voyager resort
Cc: derek@molloy Schrader.com.au
Subject: Doris Gorse
Attachments: Doris Gorse Death Certificate.pdf; Letter dated 6-28-1996 from Molloy & Schrader.pdf; Executor Albina renunciation dated 7-12-96.pdf; Executor Morrison renunciation dated 7-17-96.pdf; Ltr dated 11-27-1991 from The Prince Henry Hospital.pdf; Discharge Summary dated 11-4-91.pdf; Name Change dated 2-28-96.pdf; Name change from Hazel Lang to Rosemary Henderson.pdf; Ltr dated 11-19-90 from John Snowden.pdf; Ltr dated 5-30-96 from Frank Hume.pdf; Discharge Summary dated 11-16-93.pdf; Ltr dated 6-20-96 from Dr. Mervyn Thomas.pdf; Medical Notes dated 6-1996 1.pdf; Medical Notes dated 11-1991.pdf

Attached herewith are many documents pertaining
 To the will of my mother Doris Gorse.

- a) Death Certificate: My mother Doris Gorse passed away June 19, 1996. Hazel Lang listed is listed as informant although she had previously changed her name Rosemary Henderson on 28th February 1996.
- b) Documents showing Name Change from Hazel Lang to Rosemary Henderson.
- c) Letter from Molloy & Schrader to Executor Roger Farray dated June 28, 1996 with attached will my mother Doris Gorse signed December 20, 1993
- d) Letter from Hazel Lang May 24, 1996 attaching a blank will for my mother to review. Also a signed copy. Hospital staff were told by the doctor that Doris is not capable of signing and not to witness the signing. Hazel brought in her defacto husband and a friend to the hospital. The friend told me that she did not see Doris sign the will for was she aware that the other witness was Hazel (Rosemary Henderson's) defacto.
- e) Resignations by both executors of the will dated June 6, 1996

- f) Letter dated November 19, 1990 to Dr. Springer from to Associate Professor John Snowdon Psychiatrist Prince of Wales Hospital
- g) Letter dated November 27, 1991 to Dr. Springer from Dr. Snowdon
- h) Hospital discharge from Prince Henry hospital summary dated November 4, 1991 signed by Dr. P. Mitchell MD Psych.
- i) Hospital discharge summary from the Prince of Wales Psychiatric unit dated November 16, 1993 signed by Dr. Charles Doutney Consultant Psychiatrist.
- j) Letter dated May 30, 1996 from Dr. Frank Hume Psychiatrist to Dr. G. McGarry Gastroenterology
- k) Letter dated 20th June 1996 to Dr, Hume advising the death of Doris Gorse from Dr. Mervyn Thomas Psych. Wales Medical Centre
- l) Letter dated June 27 1996 to Dr. Springer from Dr. Hume Psych.
- m) Moved from Prince of Wales Hospital to Sacred Heart Hospice nursing notes from June 17, 1996 to June 19, 1996 with an important addition added after my mother passing.
- n)

INSTRUMENT EVIDENCING
CHANGE OF NAME

I, ROSEMARY HENDERSON
of 2/1 BULCA ROAD DOVER HEIGHTS

DECLARE -

I was born at MANCHESTER ENGLAND
on the 30th day of APRIL 1950

I have ceased to use the name HAZEL LANG
and instead have begun to use the name ROSEMARY HENDERSON

In the future my new name will be used in all documents and transactions and on all occasions.

Dated 28 / 2 / 1996

Signed in my presence:

Lesley Lee
(Signature of Witness)
(Name of Witness)

CA LAND TITLES OFFICE
QUEENS SQUARE
SYDNEY NSW 2000

(Address of Witness)

Rosemary Henderson
(Signature with New Name)

REGISTERED IN THE
LAND TITLES OFFICE

BOOK 41 26 No. 667
28 FEB 1996



10-0030
Entered: *[Signature]*
Verified: *[Signature]*

C/A NUMBER: _____

INDEX PARTICULARS GENERAL REGISTER OF DEEDS



BOOK 4126
NO. 0667

(A) NATURE OF INSTRUMENT CHANGE OF NAME	DATE OF INSTRUMENT 28 FEB 1996	REGISTRATION TYPE GENERAL REGISTER
--	-----------------------------------	---------------------------------------

(B) ENTRY TYPE	FAMILY NAME	GIVEN NAMES
V	HAZEL	HAZEL
V	LANC	HAZEL
V	HENDERSON	HAZEL
V		ROSEMARY
V		
V		
V		
V		
V		
V		
V		
V		
V		

LEAVE BLANK WHERE INSTRUMENT DOES NOT AFFECT OLD SYSTEM LAND				PRINCIPAL DEED
(C) LOCALITY OF LAND	LINK CONVEYANCE for Old System Land			
	Book	No.	Whole/Part	
1				
2				
3				

LEAVE BLANK WHERE INSTRUMENT DOES NOT AFFECT OLD SYSTEM LAND		
(D) CURRENT LOCAL GOVERNMENT AREA	PARISH	COUNTY
1		
2		
3		

(E) I, ROSEMARY HENDERSON of 2/1 Bulga Rd,
DOVER HEIGHTS NSW.

certify that for the purposes of Section 184D(3) of the Conveyancing Act 1919 that:

- the registration copy is a true copy of the original and
- the above index particulars of the original instrument (and on the annexure(s)) are complete and correct.

Signed: _____

Date: _____

28 FEB 1996

MOLLOY & SCHRADER
INCORPORATING NEVILLE MENLOVE & CO.

SOLICITORS & NOTARIES

GRAHAM BRIAN MOLLOY B.A., LL.B.
J.P., A.I. ARB.A.,
NOTARY PUBLIC
ADMITTED TO PRACTICE IN
N.S.W. AND VICTORIA
NEVILLE EDWARD MENLOVE B.A., LL.M.
DEREK RUSSELL MOLLOY B.A., LL.B.
CONSULTANT: ALEXANDER J.F. ROPE LL.B.

LEVEL 16
227 ELIZABETH STREET
SYDNEY NSW 2000
TELEPHONE: (02) 264-6415

DX 750 SYDNEY
FAX: (02) 261-5246

Our ref: Graham Molloy

28 June, 1996

Mr Roger E. Farrray
5/15 Wallis Parade
NORTH BONDI NSW 2026

Dear Mr Farrray,

Re: The late Doris Gorse formerly of Unit 4, 15 Wallis
Parade, North Bondi

In 1993 we prepared upon the instructions of the abovenamed, a Will. This document was executed as her last Will and Testament on 20 December, 1993. In that Will you are appointed the sole executor and trustee. A copy of the original Will held by us is enclosed.

We are informed by the daughters of the late Mrs Gorse, Ms Hazel Lang and Ms Patricia Anton that Mrs Gorse has passed away and it is proper therefore to write to you as the appointed sole Executor and Trustee of this Will.

We are not aware of any other Will made by the deceased subsequent to 20 December, 1993. If another subsequent Will is discovered, then clearly this Will that we hold and in which you are appointed the sole Executor and Trustee will not be the last Will and Testament of Mrs Gorse and therefore would not be able to be acted upon.

We have sent a copy of this letter to both Ms Lang and Ms Anton in case they are aware of any subsequently executed Will. In the event that they are not so aware then this original Will that we hold will be the last Will and Testament, you will be the sole Executor and Trustee of the late Mrs Gorse's Estate and we would ask whether you wish to instruct us to act on that Estate and, if so, if you would so kindly telephone the writer and subsequently confirm those instructions in writing. In the event that you are in fact

THIS IS THE LAST WILL AND TESTAMENT of me DORIS GORSE of 4/15 Wallis Parade, Bondi in the State of New South Wales, Pensioner

1. I HEREBY REVOKE all former Wills and Testamentary dispositions heretofore made by me AND DECLARE this to be my last Will and Testament.
2. I APPOINT my friend ROGER EMILE FARRAY to be the sole Executor and Trustee of this my Will but if he predeceases me or is unwilling to act or die before completion of his duties as Executor and Trustee : this my Will THEN I APPOINT EDWARD MORRISON of 22/15 Wallis Parade, North Bondi to be the sole Executor and Trustee of this my Will.
3. I GIVE DEVISE AND BEQUEATH the whole of my Estate both real and personal of whatsoever nature and kind and wheresoever situate and whether vested contingent or in remainder unto my grandchildren MATTHEW ANTON, MICHELLE LANG and ADRIAN LANG in equal shares or the survivor or survivors thereof in equal shares.
4. I DECLARE that part of my Estate consists of my money derived from the sale of my two units at Labrador, Queensland and invested by my daughter Hazel Lang on my

Doris Gorse

Diane Hall

C. J. J. J.

Page 2.

behalf in property in her name situate at Unit 2, 1 Bulga
Road, Dover Heights.

IN WITNESS whereof I have hereunto set my hand to this my
Will this 20th day of December
one thousand nine hundred and ninety-three.

SIGNED by the said Testatrix as)
and for her last Will and)
Testament in the presence of us)
both present at the same time)
and we at her request and in)
her sight and presence and in)
the sight and presence of each)
other have hereunto subscribed)
our names as witnesses)

Donna Gorse

Diane Hall.
227 Elizabeth Street
Sydney.
Clerk.

Janet
Selinger
Sydney

HAZEL LANG
2/1 BULGA ROAD, DOVER HEIGHTS NSW 2030

24th May, 1996

Mrs. Doris Gorse
4/15 Wallis Parade
NORTH BONDI 2026 NSW

Dear Mrs. Gorse

YOUR WILL

Enclosed is a copy of your proposed draft Will in which you requested me to arrange the preparation and drawing up of your Will, in accordance with your verbal instructions to me.

Please read the Will carefully, ensuring that the provisions of the Will are clear and in the manner in which you direct, in readiness for execution before two witnesses.

Yours faithfully,



HAZEL LANG

THIS IS THE LAST WILL AND TESTAMENT of me DORIS GORSE of 4/15

Wallis Parade, North Bondi in the State of New South Wales, Pensioner.

1. I HEREBY REVOKE all former Wills and Testamentary dispositions heretofore made by me AND DECLARE this to be my last Will and Testament.

2. I APPOINT my friend ROGER EMILE FARRAY to be the sole Executor and Trustee of this my Will but if he predeceases me or is unwilling to act or dies before completion of his duties as Executor and Trustee of this my Will THEN I APPOINT EDWARD MORRISON of 22/15 Wallis Parade, North Bondi to be the sole Executor and Trustee of this my Will.

3. I GIVE DEVISE AND BEQUEATH the whole of my Estate both real and personal of whatsoever nature and kind and wheresoever situate and whether vested contingent or in remainder unto my daughter HAZEL LANG at her discretion and at an appropriate time in the future, to share equally between the grand children MICHELLE LANG ADRIAN LANG and MATTHEW ANTON in equal shares or the survivor or survivors thereof in equal shares.

4. I GIVE DEVISE AND BEQUEATH the Voyager Time-Share Units equally to HAZEL LANG Week 50 and TRISHA ANTON Week 51.

IN WITNESS whereof I have hereunto set my hand to this my will this

day of

One thousand nine hundred and ninety-six.

SIGNED by the said Testatrix as and for)
her last Will and Testament in the presence)
of us both present at the same time and we at)
her request and in her sight and presence and)
in the sight and presence of each other have)
hereunto subscribed our names as witnesses)

THIS IS THE LAST WILL AND TESTAMENT of me DORIS GORSE of 4/15 Wallis Parade, North Bondi in the State of New South Wales, Pensioner.

1. I HEREBY REVOKE all former Wills and Testamentary dispositions heretofore made by me AND DECLARE this to be my last Will and Testament.

2. I APPOINT my friend ROGER EMILE FARRAY to be the sole Executor and Trustee of this my Will but if he predeceases me or is unwilling to act or dies before completion of his duties as Executor and Trustee of this my Will THEN I APPOINT EDWARD MORRISON of 22/15 Wallis Parade, North Bondi to be the sole Executor and Trustee of this my Will.

3. I GIVE DEVISE AND BEQUEATH the whole of my Estate both real and personal of whatsoever nature and kind and wheresoever situate and whether vested contingent or in remainder unto my daughter HAZEL LANG at her discretion and at an appropriate time in the future, to share equally between the grand children MICHELLE LANG ADRIAN LANG and MATTHEW ANTON in equal shares or the survivor or survivors thereof in equal shares.

4. I GIVE DEVISE AND BEQUEATH the Voyager Time-Share Units equally to HAZEL LANG Week 50 and TRISHA ANTON Week 51.

IN WITNESS whereof I have hereunto set my hand to this my will this

12th

day of

JUNE

One thousand nine hundred and ninety-six.

SIGNED by the said Testatrix as and for
her last Will and Testament in the presence
of us both present at the same time and we at
her request and in her sight and presence and
in the sight and presence of each other have
hereunto subscribed our names as witnesses

)
)
)
)
)
)

Doris Gorse

Deborah
Housewife

Whistowski *DIRECTOR*
28 BURREST BOON: JUNCTION



THE PRINCE OF WALES HOSPITAL

Our reference:

Your reference:

Enquiries to:

The Prince of Wales Hospital,
High Street,
Randwick, N.S.W. 2031

Telephone: (02) 399-0111
Extension:
Facsimile:

November 19th, 1990.

Dr. T. Springer
53 Wairoa Avenue
BONDI NSW 2026.

Dear Dr Springer,

Re: Donis GORSE

GORES

I saw this lady at her home on November 8th, 1990 at the request of Margery Rayner, community psychiatric nurse. You know the history well. She has an agitated depression with melancholia. She is worried about increasing her antidepressant medication.

I rang one of her daughters and we agreed that the best thing would be for her to come into the Prince of Wales psychiatric unit for treatment, and I have arranged this for Monday November 12th, 1990. I understand that her other daughter (in America) dislikes this idea, but really it is the kindest thing. Without admission, and living on her own, I think she will be miserable for far longer. We will see how she gets on.

Yours sincerely

Associate Professor John Snowdon.
PSYCHIATRIST.

c.c M. Rayner

I gather that this lady has
indeed been admitted — I hope
she'll do well



THE PRINCE HENRY HOSPITAL

ACADEMIC DEPARTMENT OF PSYCHOGERIATRICS

Our reference:

Your reference:

Enquiries to:

The Prince Henry Hospital,
Anzac Parade
Little Bay, N.S.W. 2036

Telephone: (02) 661-0111
Extension: 694-5007
Facsimile: 661-4296

27th November, 1991.

Dr. T. Springer,
53 Wairoa Avenue,
NORTH BONDI. N.S.W. 2026.

Dear Dr. Springer,

Re: Doris GORSE.

As you know, I visited this lady at her daughter's unit on 18.11.91 and also saw her daughter (Mrs. Lang). You will have received a summary regarding Mrs. Gorse's admission to the Prince Henry psychiatric unit from 15. 9 .91 to 12.10.91. She was seen as an outpatient on 17.10.91 and again on 1.11.91, but did not wish to travel to Prince Henry for further follow-up. Therefore the local community health centre was contacted, and they asked me to visit.

She is not depressed but she certainly is tense, which is not surprising. She is staying with her daughter, and sleeps on a mattress in the sitting-room (while her daughter and grandson sleep on beds). Her daughter is moving out, shortly, into a unit they have recently bought. Mrs. Gorse told me she has put \$130,000 into the unit, but her daughter has it in her own name and gets annoyed when Mrs. Gorse says she wants something in writing to say she owns part of it. I strongly advised Mrs. Gorse to seek help from a solicitor; otherwise there could be problems with her estate and determining what should be shared between the inheritors. Her daughter expressed annoyance at her mother not trusting her, and talked scathingly of how her mother had invested money unwisely in Queensland and how she has power of attorney now. It seemed that she lacked sympathy and understanding for her mother's situation; she (Mrs. Lang) is currently having difficulty with her 18-year old daughter, who is depressed.

Mrs. Gorse has a tremor, which may be partly due to the lithium she is taking. She takes two clonazepam at night, which she says helps her to sleep. I did not alter her medication: her lithium level (0.7 mmol/l) is just right. However, she'll need regular checks on this and on her mental state. I think it important that she see a psychiatrist from time to time, and I'd suggest you get her to see someone near Bondi Junction, to monitor her agitation and the family situation, as well as everything else. If you don't have someone else in mind you might want Dr. Stuart Bartle to see her. I don't think the community health centre needs to be

2

involved at this stage, but if necessary (if she gets depressed or manic again, and refuses help), the psychiatrist there could be requested to see her, the social worker could advise on the family situation, and a case manager might consider involving her in some social activities.

Yours sincerely,

J. Snowdon
pp BHoofnagel

Associate Professor John Snowdon.

c.c. Team Leader - Bondi Junction CHC;
POW Psych. file. (67 75 79).

THE PRINCE HENRY HOSPITAL
Facility of the Eastern Health Service
DISCHARGE SUMMARY
CONFIDENTIAL

Typed: 4.11.91
KW:JC

67 75 79

NAME: GORSE, DORIS,
ADDRESS: 4/15 Wallis Parade,
NORTH BONDI, 2026.
ADMITTED: 15.9.91
DISCHARGED: 12.10.91

AGE: 72
HMO: Dr. Mitchell
REF. MO: Self
FOLLOW UP: Dr. Withers O/P

DIAGNOSIS :

AXIS I: ? Manic Depressive Illness
AXIS II: -
AXIS III: Nil
AXIS IV: Moderate; loss of finances
AXIS V: Good GAF score generally 70, at admission 60

MEDICATION ON DISCHARGE: Lithium Carbonate 500 mg mane,
750 mg at 1700 hours * Reduced to 500mg b.c
Clonazepam 0.5 mg nocte

Mrs. Gorse is a 72-year-old widow with a previous admission to Prince of Wales Hospital with depression in 1990. She presented for voluntary admission with her daughter (who was due to leave for USA in four days for a five week holiday).

HISTORY OF PRESENTING ILLNESS:

Following her discharge from Prince of Wales Hospital in December 1990 Mrs. Gorse was maintained on Prothiaden until February when it was ceased. In May she appeared to become manic having increased energy, confidence and insomnia. She suffered a right Colle's fracture in June resulting in a deterioration in her confidence with anxiety ruminations. In July however she moved to a duplex home in Queensland having sold her two bedroom unit in North Bondi but felt lonely and isolated on arrival. Mrs. Gorse returned to Sydney five days prior to admission having succumbed to pressure from the real estate to sell the duplex at a loss of \$13,000. She was staying with her daughter and two grand-children in their two bedroom unit in North Bondi. Prothiaden was recommenced for three days prior to admission. Her main complaint on admission was of increasing agitation and anxiety over the past month, with ruminations over her financial difficulties.

MENTAL STATE EXAMINATION ON ADMISSION:

She was dressed casually. She was cooperative though a vague historian and was hard of hearing. Her affect was agitated with her biting her nails. Her speech was accented and slow and her thoughts were mainly concerned with financial difficulties. There were no delusions or psychotic features. She was orientated in time, place and person but had decreased concentration.

PHYSICAL EXAMINATION was nil of note.

GORSE, DORIS, PAGE TWO, DISCHARGE SUMMARY

PAST PSYCHIATRIC HISTORY:

Admitted to Prince of Wales Hospital November 1990 with major depression being treated with Prothiaden 150 mg a day.

PREVIOUS MEDICAL/PSYCHOSOCIAL/FAMILY HISTORY: See summary from December 1990.

SOCIAL UPDATE:


She is living with her daughter and two grand-children in a two bedroom unit in North Bondi and is concerned that they are overcrowded. She is on a pension but has lost \$13,000 due to the selling of her unit in North Bondi. There is no history of alcohol dependence or abuse. She is a non-smoker.


MANAGEMENT & PROGRESS:

Mrs. Gorse was admitted to Prince Henry Hospital General Ward (due to no beds at Prince of Wales Hospital). She was initially anxious but realistic and had difficulties accepting her actions and reasons for going to Queensland. In view of the history of mania the treatment was changed to Lithium Carbonate and the Prothiaden was gradually ceased. She gradually settled and performed well in the Occupational Therapy with cooking and shopping. After a weekend leave staying with her grand-daughter at the unit it was felt that Doris was ready for discharge. At this time she was much calmer but still anxious regarding her future and had limited insight into her illness.

INVESTIGATIONS:

Routine blood tests were normal. EEG normal. Lithium level 1.0 on day of discharge. Follow-up one week later revealed a lithium level of 1.2 and Lithium Carbonate was reduced to 500 mg bd.


DR. K. WITHERS,
REGISTRAR,
PSYCHIATRY UNIT.


DR. P. MITCHELL,
MB, BS, MD, MRC PSYCH, FRANZCP,
SENIOR LECTURER IN PSYCHIATRY.

c.c. Medical Records
Dr. P. Mitchell
GP. Dr. Stringer; Bondi
Dr. S. Catts (POWH)
Bondi CHC

Ngase - 261

THE PRINCE OF WALES PSYCHIATRIC UNIT
 Facility of the Eastern Health Service
DISCHARGE SUMMARY
 CONFIDENTIAL
 25 NOV 1993
 Medical Record Number
 6787579

KL:LS

16.11.93

NAME: GORSE, Doris

ADDRESS: 4/15 Wallis Pde Nth

Bondi 2026

AGE: 74 (20.11.18)

HMO: Dr C Doutney

REFERRING MO: Dr F Hume, BJCHC

FOLLOW UP: Dr F Hume, BJCHC

ADMITTED: 10.7.93

DISCHARGED: 9.10.93

DIAGNOSIS:

AXIS I Bipolar Affective Disorder
 Delirium
 AXIS II Defer
 AXIS III Lithium Toxicity
 ? Benzodiazepine Withdrawal
 Urinary Tract Infection
 AXIS IV Dysfunctional relationship with daughter
 and grandson, Lack of financial
 independence, Social isolation
 AXIS V Last month 30, last 12 mths 80

TREATMENT ON DISCHARGE: Doxepin 25 mg mane/100 mg nocte
 Clonazepam 0.5 mg po nocte
 Folic Acid 5 mg po daily
 Thiamine 100 mg po daily

REFERRAL: Mrs Gorse is a 74 year old widowed old age pensioner who lives with her grandson in a flat in Bondi. She was brought to the Unit by her daughter who had been concerned by her three week history of worsening agitation, poor attention, slowed thoughts and depression.

HISTORY OF PRESENTING ILLNESS: For the three weeks before admission Mrs Gorse had been agitated, had been complaining of low mood and feeling "hopeless." She also expressed marked inability to cope with her usual household activities, complained of poor attention, diurnal mood variation and slowed thoughts. She denied any suicidal or homicidal ideation and she denied any psychotic phenomena. Her daughter had found that her mother had been unable to care for herself and had been constantly ringing herself and other relatives expressing her anxiety.

On the week before admission she was seen at Bondi Junction Community Health Centre by Dr Hume and had been recommenced on lithium carbonate 500 mg po bd and fluoxetine 20 mg po daily and clonazepam 2 mg nocte.

PAST PSYCHIATRIC HISTORY: Episodes of depression in 1988 and 1989. Admitted to Prince of Wales Hospital in November 1990 and treated for melancholic depression. Readmitted to Prince Henry Hospital in September 1991 in the manic phase of a bipolar affective disorder; she was at this time commenced on lithium carbonate but had ceased taking this 12 months before the current admission.

GORSE, Doris

ADM: 10.7.93

Page 2

67 75 79

MEDICAL HISTORY: Previous ligation of right varicose veins. Old Colles' fracture of right wrist. Chronic widespread superficial vactinic porokeratosis, treated by a dermatologist.

FAMILY HISTORY: No history of mental illness.

SOCIAL UPDATE: At the time of this admission Mrs Gorse was living in a flat with her grandson. Her daughter had attained power of attorney during her mother's previous illness. Following the sale of Mrs Gorse's house in Queensland, her daughter had invested the proceeds, combining them with her own financial backing into flats. Her daughter lived in one of these on her own and Mrs Gorse lived in the other with her daughter's son who was currently sitting for the HSC. Mrs Gorse tells me that apparently both of these properties are registered in her daughter's name.

MENTAL STATE EXAMINATION: Mrs Gorse appeared as an elderly woman who was casually dressed. She was agitated, constantly pulling at her hands and fidgeting with her clothes. There was poverty of speech and increased latency time with answers and marked poverty of content. Her affect was agitated and she described her mood as "low." Thought form exhibited marked poverty of content and loss of goal direction with occasional thought blocking. Themes were generally self-deprecatory "I don't like myself, I'm quite angry at myself." There was no delusional phenomena and she denied perceptual abnormalities. Mrs Gorse was oriented in time, place and person but showed impaired attention and concentration with poor short-term memory.

PHYSICAL EXAMINATION: Normal.

PROGRESS IN HOSPITAL: Mrs Gorse was admitted to the general ward as an informal patient. Given her level of agitation, thioridazine at a dose of 150 mg daily was commenced. Her condition deteriorated and she became increasingly agitated, requiring continual reassurance and unable to sit still. It became apparent that Mrs Gorse was delirious and this was felt to be probably secondary to lithium toxicity, although level on admission was 1.0 mmol/L, combined with dehydration, a urinary tract infection and possible benzodiazepine withdrawal. Her delirium was managed with small doses of haloperidol and Mrs Gorse initially required special nursing care. She also required small doses of intravenous diazepam to settle. She gradually became less confused and better oriented. Cerebral CT scan performed at this time showed no acute pathology but with increase in CSF space consistent with cerebral atrophy.

Following a short period where Mrs Gorse appeared to be euthymic she became more overtly depressed, began experiencing sleep difficulties with early morning waking and generally describing "not coping" on her periods of leave at home. She denied feeling depressed but appeared mildly dishevelled and miserable. An occupational therapy assessment performed at this time showed that Mrs Gorse's capabilities were significantly above her own reporting of these.

GORSE, Doris

ADM: 10.7.93

Page 3

67 75 79

Mrs Gorse's daughter felt that she did not believe her mother was capable of living at home after discharge because of her mother's considerable dependency upon herself. She believed her mother would be better in hostel accommodation and despite her mother's ambivalence began investigations into this possibility. It seemed that on periods of weekend leave Mrs Gorse actually performed quite well at home: was able to do some small amounts of shopping and cook meals for herself and for her grandson, but she lacked confidence and was continually phoning her daughter for reassurance. In a series of family meetings with the social worker, Keri Gardner, Mrs Gorse's daughter made it plain to her mother that she believed it advisable that she move into a hostel and she stated that she would withdraw her support if her mother did not agree to this move. Mrs Gorse was ambivalent about this plan but was reluctantly agreeable to respite placement at a hostel immediately following discharge.

Mrs Gorse was commenced on doxepin, given her obvious depressive symptoms, and slowly responded as this medication was increased. She was also treated with oral vitamins and given an injection of intramuscular B12 given that her B12 serum level was below the normal limit. Investigation for gastric parietal cell antibody was negative and it was felt to be a nutritional deficiency. Other investigations performed at this time were an EEG which was reported as being within normal limits without focal atrolizing or epileptiform features. A cerebral spect scan showed normal symmetrical perfusion throughout the brain.

At the time of discharge Mrs Gorse was still ambivalent about going to the hostel as arranged by her daughter but was taken there by her on 9.10.93. Whilst in hospital Mrs Gorse declined the offer to provide legal advice regarding clarification of her financial position. She will be followed up by Dr Hume on 14.10.93 and by her case manager, Ngaire Watson.



DR KATHRYN LOVRIC
PSYCHIATRY REGISTRAR



DR CHARLES DOUTNEY
CONSULTANT PSYCHIATRIST

C.C. Bondi Junction Community Health Centre



**SOUTH EASTERN SYDNEY
AREA HEALTH SERVICE**

LIAISON PSYCHIATRY
P.O.W. HOSPITAL

30.5.96

Dr G. McGarry
Gastroenterology Registrar
P.O.W. Hospital

Dear Dr McGarry,

re DORIS GORSE UNIT NO 67 75 79
D.O.B. 20.11.18

This 77 year old woman presented to my outpatients clinic this morning in the company of her daughter, with persistent fatigue and weakness. The results of the blood tests you ordered on Monday suggest that she is anaemic and has unexplained liver disease and an elevated T4 level.

Both she & her daughter are insistent that she cannot cope at home with her progressive weakness, anorexia, weight loss and oesophageal dysphagia. I would appreciate your review and advice to them on further management.

Thank you for reviewing her

Yours sincerely

Frank Hume

STATE LIAISON PSYCHIATRIST

DR. MERVYN THOMAS

M.B., B.S., M.Sc., F.R.A.C.P.

Wales Medical Centre
66 High Street
Randwick, NSW 2031
Telephone: 399 3398
Fax: 398 9119

20 June 1996

PROVIDER No. 319712B

Dr Frank Hume
Liaison Psychiatry
Prince of Wales Hospital
RANDWICK 2031

Dear Frank

Re: Doris GORSE, D.O.B: 20/11/18

Mrs Gorse died in Sacred Heart Hospice yesterday. As you know, she had very extensive gastric carcinoma involving most of the stomach and on subsequent investigation was found to have widespread liver involvement and local lymph node extension with thrombus in many of the upper abdominal vessels. The latter was probably rapidly progressive and she deteriorated fairly rapidly with no discomfort.

As you know, there has been a considerable amount of friction in the family and I have had a number of conversations with her daughter, Patricia Anton, who works in New York University. Patricia has been very concerned about the care her mother received from her sister and when I spoke to her yesterday she was suspicious that her mother's rapid demise may have been related to the activities of her sister. She therefore requested a post mortem and no doubt will be in contact with us after she arrives in Sydney on Friday 21 June 1996.

With best wishes

Yours sincerely

MERVYN THOMAS.

Place	SURNAME OF PATIENT GORSE		HOSPITAL NUMBER
Patient	TITLE	CHRISTIAN OR GIVEN NAMES	00-00-49-86
Identification	ADDRESS OF PATIENT	GORSE, DORTS 4/15 WATTS PDE, NORTH BOND 2026 Dr: RICHARD CHYE Ward: 4S 20/11/1918 F 77YR 17/06/96	
Label	POSTCODE	DATE OF BIRTH	SEX <input type="checkbox"/> M <input type="checkbox"/> F
Here			

17.6.96 This 77 year old woman was admitted to 4S via PWH following admission related to gastric Ca with nausea, vomiting, increased lethargy and anaemia. For symptom control and probable terminal care. *[Signature]*

17.6.96 2030 hrs. *[Redacted]* Pt. has settled well into the ward. Daughter Hazel in attendance. Bed panned x2 this shift. Pt. required Linctus for coughing. Pt. needs full assistance to ADLs. Slightly disorientated at one time. Sacral area is slightly red but skin intact. Pt. rolls on sides. No complaints of anything. Settled comfortably in her room. *[Signature]*

18-6-96 0600hrs - Pt. had unsettled night. Temazepam 10mg given as charted with little effect. Disorientated and agitated unable to orientate. O₂ therapy ^{then} given via nasal prongs and pt. settled and sleeping at time of report. Incont. x1 this shift and given pon which was successful. PAC and mouth care attended. C/O headache at 0900 hrs but was unable to swallow paracetamol soluble. Pt. was also moaning ^{thru} occasionally throughout night. All cares attended. *[Signature]*

18.06.96 Nursing - 1230hrs - Fair morning. Had a shower with full assistance. Chesty ^{thru}. Expectoring green coloured sputum. R/V by RMO ?? Viral pneumonia. Ventolin nebs commenced. pt feels very lethargy + "wants to be left"

SACRED HEART HOSPICE

NURSING WING

SACRED HEART HOSPICE

SURNAME OF PATIENT

HOSPITAL NUMBER

aloneⁿ. Sleeping on/off this am. appears comfortable - *Yates*

18/6 SS Davis ↑ SOB. associated w/ wheeze.
↑ mucous production from trachea
low gas. chest creps R/L + diffuse wheeze.
↓ aspiration pneumonia Not reacting

Plan
neg. Vantelin
SC morphine.
Pain Hyaline

19/6/96 Nursing 0130hrs: sic morphine + hyaline given. Patient appeared very anxiousⁿ. Temazepam 10mg given to help settle. Chastlyⁿ.
Auctioneer. Patient not conscious at 1.30am. Patient
Passed away peacefully at 2.10^{hrs} Pulse absent Resp. ceased Pupils
dilated.

19/6/96 NURSING Signs of extinction of life as described
0300 alone verified. Burial 0.000 SNA.

Daughter and family present at 3.30 hrs.
Unable to be contacted until 2.40 hrs. due to
wrong phone number and mobile phone switched
off.

21/6/96 [REDACTED] GUEST RN: 1530hrs:

ADDIT

Following a conversation with Doris Gorse Daughter
on 18/6/96 ~ 9am: A phone was placed next
to Doris' bed for her to receive a call from Daughter
in America. I spoke with daughter in America
after she attempted to speak with her mother,
who stated that Hazel (her sister present)
was pulling the telephone away from her
mother's ear and would I please assist
her to speak with Doris. Call again T/F to
Doris. Doris required assistance to speak on

Place	SURNAME OF PATIENT GORIE		HOSPITAL NUMBER 004986	
Patient	TITLE CHRISTIAN OR GIVEN NAME		AGE (YRS)	
Identification	ADDRESS OF PATIENT DOES		SEX M	
Label	POSTCODE		DATE OF BIRTH	
Here	CLASSIFICATION		MEDICAL OFFICER IN CHARGE	

21/6/76. NURSEING. cont: "was enough" Hazel's daughter was attempting to get her mother to allow Doris to speak on phone. Explained to Hazel that her sister wanted to tell her mother that she loved her. Call very short. Doris lethargic, SOB, wet chest. Approx 20 minutes post call, Hazel explained to me how angry she was with her sister for not being here for her mother and that Hazel wanted her here. Other interaction with Doris included LF - STC line, PAC and observation. No other discussions between myself and family.



Geoffrey Heaton <heatong48@gmail.com>

Estate Doris Gorse

3 messages

Geoffrey Heaton <heatong48@gmail.com>
To: "PAAnton@gmail.com" <PAAnton@gmail.com>

Mon, Feb 12, 2024 at 1:17 PM

Hi Patricia,

We have been trying to call. The trustees are winding up the sale. We are being harassed by Hazel and need your help and instructions.

Best regards,

Geoff Heaton
Resort Manager
Voyager Resort Broadbeach Pty Ltd
0408 707 457

 **Patricia Anton - Doris Gorse- Hazel Lang.pdf**
21K*Attached*

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Wed, Feb 14, 2024 at 3:34 AM

Hi Geoffrey.
Hazel harasses everybody
Join the club haha..

She stole all my mother's money from the sale of her property in Queensland, she harassed my mother into signing papers.

She is not a good person.

Do whatever you think is best.

She has lied to Voyager for 20 years pretending to be our mother.

I send another email ..I did not see this one until just now. I am sorry that you have to put up with her.

How can I help you?

Regards

Patricia Anton

[Quoted text hidden]

Geoffrey Heaton <heatong48@gmail.com>

Wed, Feb 14, 2024 at 6:27 AM

To: Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>, Amelia Meek <ameek@pilotpartners.com.au>, Bailey Cox <bcox@pilotpartners.com.au>, Geoff Walters <geoffw@acctweb.com.au>

Hi Cameron,

Enclose a reply received from Hazel Langs' sister in relation to Doris Gorse (deceased).

Patricia has lodged a payment document for a distribution of the 2 shares.

I am uncertain as to moving forward without some legal advice, what would you advise?

Best regards,

Doris Gorse deceased

**VOYAGER RESORT**

167 Old Burleigh Rd, Broadbeach, QLD 4218
PO Box 71, Broadbeach, QLD 4218

Phone: +61 7 5538 7833

PAYMENT OF SALE DISTRIBUTION

I/we

Patricia Anton

for estate of Doris Gorse

(enter names as registered with Voyager Resort, including company or trustee as applicable)

*of 133 Main St,
Morris, NY 13808*

*P.O. Box 44
Morris NY 13808*

(enter address details) *USA*

USA

being (a) financial owner(s) of Voyager Resort, request payment of sale proceeds be made to the following account:

ACCOUNT NAME

*Patricia Anton
First National Bank*

BSB

043318092

ACCOUNT NUMBER

734559644

Signed

Patricia Anton

Name

Patricia Anton

Date

December 5, 2022

Email

paanton@gmail.com

paanton@gmail.com

0011-1-718-279-0123

Please return your completed form via email (trustees@voyagerresort.com.au) or post.

If the above details change prior to finalisation and distribution of sale proceeds, please notify us as a priority and complete an updated form.

Web: www.voyagerresort.com.au

Email: info@voyagerresort.com.au



Geoffrey Heaton <heatong48@gmail.com>

Sale proceeds in Trust

10 messages

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Thu, Mar 28, 2024 at 12:01 AM

Good morning Geoffrey. At risk of sounding like I am bothering you.. like Hazel.

I have a problem I am leaving my son this coming Saturday.
I am staying with a friend in a different part of Florida then taking a ship to Rome.

The first 9 days are ship days and I am not planning on taking WiFi as it never works crossing the Atlantic. Tried it often,

My concern is contacting you regarding an attorney to hold the money to go in Trust.
Is your attorney going to hold it or do I have to find one to hold it. Please advise. Also how much are we talking about.
I have no idea.
Many thanks
Patricia Anton

Geoffrey Heaton <heatong48@gmail.com>
To: Patricia Anton <paanton@gmail.com>

Thu, Mar 28, 2024 at 8:45 AM

Hi Patricia,

I am awaiting the liquidators' advice on matters moving forward.

As trustee, my work is much completed as it involves the first distribution of sale proceeds.
We have placed Doris' issue in a "disputes file" which the liquidator has control of for up to 2 years.

The Liquidators, Pilot Partners, Brisbane are reviewing all disputed files (18) at present.
I will be speaking with them today and will convey their information to you.

Best regards,

Geoff Heaton
Resort Manager
Voyager Resort Broadbeach Pty Ltd
0408 707 457

[Quoted text hidden]

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Thu, Mar 28, 2024 at 10:04 AM

Thank you for the update.
Cheers Tricia
[Quoted text hidden]

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Thu, May 2, 2024 at 5:30 PM

Hi Geoffrey
I have travelling by ship to France. My us phone does not work on the ship
I have a whatsapp number which is also my French phone number
+33 7 89 40 86 86.
I would like to know if the money from the sale is secure from Hazel with the liquidators.
Do I need to contact them?

Please advise

Cheers Patricia.

[Quoted text hidden]

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Thu, May 2, 2024 at 5:35 PM

Hi Geoffrey,

Would you please use email if there is no answer on my phone.

I am having issues with the turn on and off button an need to go back to the mobile phone store. I am not sure of the time difference between Paris and Queensland.

Cheers Tricia

[Quoted text hidden]

Geoffrey Heaton <heatong48@gmail.com>
To: Patricia Anton <paanton@gmail.com>

Fri, May 3, 2024 at 8:09 AM

Patricia,

Trust you are travelling well and keeping healthy.

The time difference between Brisbane and Paris - at present today it is 9am Friday & 1am Friday Paris.

Hazel is continuing to bombard myself and the Liquidators Pilot Partners, continuous emails!

She has been trying to find out your address. Don't worry there is no chance of this being disclosed to her.

NO sale proceeds will be released, the matter is being treated as "disputed.

I will continue to keep you informed of any further developments.

Best regards,

Geoff Heaton
Director
Voyager Resort Ltd
0408 707 457

[Quoted text hidden]

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Fri, May 3, 2024 at 8:41 AM

Hi Geoffrey,

Bombarded..!!!! She's good at that. She wore my mother down until she changed her will in Hazels favour.

Good thing she is just emailing...the delete button or block sender work well.

Thanks for protecting me.

Cheers Tricia.

[Quoted text hidden]

Geoffrey Heaton <heatong48@gmail.com>
To: Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>

Fri, May 3, 2024 at 9:00 AM

Hi Cameron,

Please review the emails from Patricia Anton, Hazel Langs' sister.

I have most email trails for this disputed matter.

Sorry I was a bit vague when we spoke yesterday with Brad, I has an important meeting to attend, and was running a bit late!



Geoffrey Heaton <heatong48@gmail.com>

Fwd: Doris Gorse

4 messages

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Fri, Mar 22, 2024 at 3:25 PM

----- Forwarded message -----

From: **Derek** <derek@molloysschrader.com.au>
Date: Tue, Nov 29, 2022, 5:20 PM
Subject: Doris Gorse
To: Patricia Anton <paanton@gmail.com>

Dear Patricia,

Whilst we cannot find any Will, we did find some documents that indicate your mother did authorise Hazel Lang to collect certain documents and it could be that Hazel or your mother could have collected any Will as well at a later stage. The solicitor at the time in our firm was Graham Molloy but he retired from the practice over 25 years ago. Unfortunately, we have nothing more that we can give you.

Regards

Derek Molloy
Molloy & Schrader
Lawyers & Notaries
Suite 109
Level 1
109 Pitt Street
SYDNEY NSW 2000
AUSTRALIA
Tel: (02) 9221 1400
Fax: (02) 9221 2800

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-----Original Message-----

From: scans@ricoh.com <scans@ricoh.com>
Sent: Wednesday, 30 November 2022 12:10 PM
To: Derek <derek@molloysschrader.com.au>
Subject: Message from "RNP5838791F61E6"

This E-mail was sent from "RNP5838791F61E6" (IM C2000).

Scan Date: 11.30.2022 09:10:27 (+0800)
Queries to: scans@ricoh.com



20221130091027846.pdf
13K

Geoffrey Heaton <heatong48@gmail.com>

Fri, Mar 22, 2024 at 3:48 PM

To: Bradley Hellen <bhellen@pilotpartners.com.au>, Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>, Geoff Walters <geoffw@acctweb.com.au>

Just for the record, Patricia Anton located her Mothers' soliciors Molloy Sctrader, Sydney.

They provided the enclosed papers. Interestingly Doris had difficulty signing the papers in 1991, however her signature on a stat dec 1996 was clear and well formed!

I have told Patricia it will be up to herself to chase justice.

Best regards,

Geoff Heaton
Resort Manager
Voyager Resort Broadbeach Pty Ltd
0408 707 457

[Quoted text hidden]

 **20221130091027846.pdf**
13K

Geoffrey Heaton <heatong48@gmail.com>
To: Patricia Anton <paanton@gmail.com>

Sat, Mar 23, 2024 at 9:42 AM

Patricia,

This is another fraudulent signature to collect your late mothers' home title.

It is obvious Hazel had continually signed your mothers signature.

The liquidator has recommended that a solicitor must be involved to get justice.

As trustee we can only hold back the Resort money, the legal issue would have to come from You.

I WILL OF COURSE GIVE YOU SUPPORT AS BEST I CAN, but as trustee our involvement would only relate to the Voyager issue.

Best regards,

Geoff Heaton
Resort Manager
Voyager Resort Broadbeach Pty Ltd
0408 707 457

[Quoted text hidden]

Patricia Anton <paanton@gmail.com>
To: Geoffrey Heaton <heatong48@gmail.com>

Sun, Mar 24, 2024 at 6:43 AM

I agree Geoffrey . Hazel has to be stopped. firstly how much .money are we talking about.

I would like all funds from the Voyager to given to an attorney to be held in his or her trust Account until an agreement can be made by a court or between Hazel and myself.

Do you know an attorney you could recommend? Bear in mind whoever holds this money will have to put up with Hazel.

When my mother wanted to sell her two family house in Queensland the attorney who handled the purchase for my mother refused to allow the sale to proceed.

He felt my mother was not in a fit mental state to go ahead with a sale. Mum was bipolar. Mostly because of Hazel. Who held an illegal power of attorney over Mum. .

The attorney also refused to give Hazel the funds.

Hazel found another attorney .
Who handed over \$140,000 to Hazel around 1993. I have no idea how much that would be I. Today's money.

Look forward to hearing from you
cheers Tricia

**PILOT PARTNERS****Chartered Accountants**

Level 10, Waterfront Place
1 Eagle Street Brisbane 4000

PO Box 7095 Brisbane 4001
Queensland Australia

P +61 7 3023 1300

pilotpartners.com.au

Telephone: (07) 3023 1300
Email: voyager@pilotpartners.com.au

31 May 2024

Ms Hazel Lang
PO Box 7058
Bondi Beach NSW 2026

By Email Only

By Email: rendezvoussydney@yahoo.com

Dear Madam

**Re: Voyager Resort Limited (In Liquidation)
ACN 010 547 618 (the "Company")**

We refer to our appointment as Joint & Several Liquidators of the abovenamed company by Order of the Supreme Court - Queensland on 2 May 2023, and the engagement of our office by the Statutory Trustees (the "Trustees") of the Voyager Resort (the "Resort") to assist with the calculation of sale proceeds.

You have communicated with the Trustees, the Liquidators and Pilot Partners on numerous occasions seeking to be paid a distribution to owners from the sale proceeds (paid by the Trustees) and seeking a distribution as a shareholder of the Company.

Our view and that of the Trustees, is that you have not evidenced your entitlement to the proceeds from the sale of the Resort or a distribution from the Liquidators. We have explained this to you on numerous occasions.

Background

Your late mother, Doris Gorse, was the registered owner of a two-week interest in Lot 58 within the Resort per the **attached** Title #16919021.

You have submitted a claim to receive the distribution owed to Doris Gorse as either a lot owner and/or a shareholder of the Company.

The Trustees and the Liquidators have on numerous occasions asked you to provide documentation to confirm your authority to receive the funds. The necessary required documents are:

- Grant of Probate;
- 100 points of identification (to combat identify theft and fraud); and
- a written direction to pay the distribution to a nominated account, which is signed by the executor/administrator, or signed by all executors/administrators if there are more than one.



To date, you have only provided the following information:

1. A Statutory declaration of Doris Gorse dated 26 February 1992, stating among other things, "I have given to my daughter, Hazel Lang, all monies received from the sale of my property in Queensland for the purchase of a home unit at Dover Heights....";
2. A letter dated 3 June 1996 addressed to the Advance Bank where Doris Gorse purportedly provides authority for you to sign all documents in relation to Doris Gorse's accounts with the Advance Bank.
3. A Statutory Declaration of Hazel Lang dated 19 February 2024, stating you are the only beneficiary of Doris Gorse's Voyager entitlements; and
4. Numerous emails from you purporting your mother died without a Will.

We reiterate our previous advice to you, that you have not provided sufficient documents to support your claim that you are entitled to the funds.

Further to the above:

- The Trustees have received communication from another party stating to be a beneficiary of the Deceased Estate of Doris Gorse;
- The company records indicate Doris Gorse is the shareholder; and
- The liquidators possess two Wills of Doris Gorse.

Given the registered title was in the name of Doris Gorse, the rightful claimant of the lot interest proceeds and the distribution to creditors, is the Deceased Estate of Doris Gorse.

In the absence of any appropriate supporting documentation being provided, the Trustees have withheld funds relating to Lot 58. The Trustees are considering their options which are likely to include paying the entitlement to the Public Trustee in Queensland.

The Liquidators intend making a distribution to the shareholders of the company. Further, they intend to seek clarification from the Court regarding the Company's shareholder registry prior to distributing any surplus funds to shareholders.

On 14 February 2024, during a lengthy conversation I had with you (when I explained the lack of evidence to support your entitlement to you), I suggested you might engage a solicitor who may be able to present your best case for entitlement.

Your continual contact with our office, the Trustees office and the documentation you have provided, does not support your claim. To support any claim you may have, the Trustees and the Liquidators require sufficient supporting evidence as to your entitlement. It also incurs unnecessary costs.

We would welcome the relevant documentation referred to above to evidence entitlement. However should you continue to unnecessarily contact and harass the Trustees, the Liquidators and our staff, we will have no option but to block correspondence from you and report your behaviour to the Australian Federal Police.



Again, we recommend you seek legal advice on how you might be able to support your claim.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bradley Hellen', written over a horizontal line.

BRADLEY HELLEN
JOINT & SEVERAL LIQUIDATOR

From: Bailey Cox
Sent: Tuesday, 4 June 2024 11:05:15 AM
To: Bailey Cox
Subject: FW: DISTRIBUTION OF VOYAGER TIMESHARES

Regards,

Bailey Cox

Accountant

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 136 **E** bc Cox@pilotpartners.com.au **W** pilotpartners.com.au

5



Chartered Accountant

S

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From: rendezvoussydney@yahoo.com <rendezvoussydney@yahoo.com>
Sent: Sunday, June 2, 2024 8:48 PM
To: Bradley Hellen <BHellen@pilotpartners.com.au>
Subject: DISTRIBUTION OF VOYAGER TIMESHARES

Mr Bradley Hellen
Pilot Partners

Dear Mr Hellen

I refer to your recent letter to me.

Would you please send me a copy of these alleged Wills which you allege you are in possession of and the alleged correspondence from a third party (presumably a family member) who you say may have a claim on this money.

To the best of my knowledge there has never been a Will and there has never been a Grant of Probate. My mother's financial affairs were dealt with prior to her death.

For a Will to be an authentic document it must be an original document signed in pen by the person making the Will and the signature of the witnesses must also be handwritten in ink. Anything else you may have would merely be a photocopy thereby making the matter "dying without a Will."

In any event, my mother passed away in 1996.

Please provide these documents to me. By profession, I am a paralegal and I have contacted a Lawyer in Broadbeach who is assisting me through this process and has requested me to obtain this information.

I have had numerous discussions with lawyers in Queensland who have told me that it is not necessary to obtain Letters of Administration for such a small amount of money and the matter could be satisfied with a Letter Of Indemnity which I am happy to sign in the event a third party (a sister) comes forward to make a claim on this money.

I look forward to receiving these documents as soon as possible, I will then forward them to my solicitor.

Yours faithfully

Hazel Lang
0400177177

07 5538 7833

This email and files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify Voyager Resort immediately by telephoning (07) 5538 7833.



From: rendezvoussydney@yahoo.com <rendezvoussydney@yahoo.com>
Sent: Friday, 16 August 2024 12:23 PM
To: voyager resort <info@voyagerresort.com.au>; Natasha Lang <rendezvoussydney@yahoo.com>
Subject: Trustees Neglect in sharing Timeshare Resort Funds to Ex Timeshare Owners

THIS IS TO ADVISE THAT EX TIMESHARE OWNERS HAVE STILL NOT RECEIVED ANY FUNDS FROM THE SALE OF VOYAGER.

THIS IS NOW BEING PLACED INTO THE HANDS OF THE QUEENSLAND GOVERNMENT FOR INVESTIGATION

THE TRUSTEES REFUSE TO RESPOND TO ANY CORRESPONDENCE OR ADVISE WHAT THE HOLDUP IS. THEY CONTINUE TO WITHOLD THOUSANDS OF DOLLARS FROM THE RIGHFUL OWNERS OF THIS MONEY.

A FORMAL COMPLAINT HAS NOW BEEN LODGED WITH BOTH THE ACCC AND ASIC.

PLEASE ADVISE ME OF THE CONTACT DETAILS OF THE NEW OWNER OF THE TIMESHARE RESORT AND HIS SOLICITORS DETAILS.

I NOTE THAT GEOFFREY HEATON IS THE MANAGER OF VOYAGER WHO IS ALSO ONE OF THE TRUSTEES OF THE VOYAGER RESORT. I BELIEVE THIS TO BE A CONFLICT OF INTEREST.

THIS MATTER HAS NOW BEEN ESCALATED TO CRISIS.

Certificate identifying annexure
(rule29.02)

Federal Court of Australia
District Registry: Queensland
Division: General

No. QUD13/2025

IN THE MATTER of VOYAGER RESORT LIMITED (In Liquidation)
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 175 pages are the annexure marked "BVH-32" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.


.....
Benjamin Leigh Sandford

Annexure "BVH-32"

Bundle of Documents relating to Vitellaro, A

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager
resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

Law firm Mahoneys

Tel 07 3007 3777

Fax 07 3007 3778

Email info@mahoneys.com.au

Ref 32419

Address for Service MAHONEYS

Level 18, 167 Eagle Street, Brisbane Qld 4000
Email: info@mahoneys.com.au



Current Title Search

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	16860043	Search Date:	02/08/2021 10:01
Date Title Created:	17/01/1986	Request No:	38058845
Previous Title:	16806045, 16806046		

ESTATE AND LAND

Estate in Fee Simple

LOT 20 BUILDING UNIT PLAN 6459
Local Government: GOLD COAST
COMMUNITY MANAGEMENT STATEMENT 8766

REGISTERED OWNER

INTEREST

ANTHONY JOSEPH VITELLARO

2/51

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 13332009 (ALLOT 16 SEC 26)
Deed of Grant No. 13332010 (ALLOT 15 SEC 26)
Deed of Grant No. 16426157 (ALLOT 14 SEC 26)
2. LEASE No 601085045 (H479546) 27/12/1984
TO VOYAGER RESORT LIMITED
ORIGINAL TERM: FOR 99 YEARS
COMMENCING 27 DEC 1984
OR OPTIONS AS MAY BE STATED

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

From: tom hopson
Sent: Saturday, 16 September 2023 10:33:55 AM
To: Voyager
Subject: FW: PILOT Voyager Resort Limited in Liquidation ANC 010547618 the company

Sent from [Mail](#) for Windows

From: [tom hopson](#)
Sent: Saturday, 16 September 2023 10:25 AM
To: trustees@voyagerresort.com.au
Subject: PILOT Voyager Resort Limited in Liquidation ANC 010547618 the company

Dear Mr Bradley Vincent Hellen and Mr Nigel Robert Markey

I have just read your last letter and believe I might be one of the 76 discrepancies in lot owners that you have described, I will list all my details about the voyager that I have and can you please contact me by this email or phone on 02 87980415. The other thing is any more updates as we have been waiting nearly one year which is bad for this to be done and dusted I would like things sorted its been so long! So here is what I have:

1. My name is Denise Rachele Vitellaro I live at 6 lobelia street Macquarie Fields N.S.W. 2564.
2. I come in as Respondent 304 on the list it might have change but that I don't know.
3. Anthony Vitellaro my DAD came to me one morning when I went to visit and clean up for him as he had lost mum no so long ago. He asked me to take over Voyager because now he was a single pensioner and really didn't want it any more it didn't feel the same with out mum I said I would help him but I didn't want all the crap from my brothers so I asked him to sign it over to me dad was happy to do that because he knows I would look after it for him the way he wanted it . I have a letter from dad to state I am the Now owner of voyager apart from that dad gave me a will and all sorts of thing files like he was getting things in order little did I know things were about to get bad. My wonderful dad passed away not long after that at all .
4. I have asked in the past Geoff about changing It over to me but he said don't worry because we know you have it now .My father has kept files on all his life and he gave me all his files which included all things with voyager .
5. I have the original of every thing you might be looking for The Voyager Trust unit Certificate dad certificate no 1451 proposed lot number 20 week 8 apartment 5b date 25-1-1984.
6. I also have Certificate of Title VOL 6860 Fol 43 Dealing no H529552 Previous Titles Vol 6806 Fol 45 and 46
7. Registered office and share register capital Certificate no 467 classification C X8 Floating week on 25 jan 1985
8. I hope this will help with the process as I don't want to be the one that holds back any more time than we have been waiting life is to short !

Sent from [Mail](#) for Windows
Yours Sincerely Denise Vitellaro

1. I revoke
2. I appoint
3. In the event
4. I declare
5. I give
6. I give
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100. I give

THIS IS THE LAST WILL AND TESTAMENT of me ANTHONY JOSEPH
VITELLARO of 76 Australia Street Bass Hill.

1. I REVOKE all previous Wills and declare this to be my last Will.

2. I APPOINT my wife Catherine Vitellaro Executor hereof, AND I
GIVE DEVISE AND BEQUEATH the whole of my estate to my said wife
providing she shall survive me by more than thirty (30) days
after my death.

3. IN THE EVENT of my said wife predeceasing me or not
surviving me by more than thirty (30) days after my death:

(i) I appoint my children Anthony Frank Vitellaro, Denise
Rachelle Vitellaro and Mark Godwyne Vitellaro executors
and trustee hereof;

(ii) I give a legacy of \$20,000 to each of my grandchildren as
are living at the date of my death, on trust for each of
them upon attaining the age of twenty-one (21) years; and

(iii) I give the residue of my estate to my said three
children in equal shares.

4. I DECLARE that if any of my children should predecease me
and leave children, then such children shall take (and if more
than one then equally between them) the share of my Estate which
his her or their parent would have taken if they had survived me,
upon attaining the age of twenty-one (21) years.

LA Godoy

A. Vitellaro

- 2 -

W. H. H. H.

H. V. Allen

Sally Jagan

Wm. Denise R. White

WILL FORM

This is the beginning of my Will

Last Will

1. This is the last Will of me, MR GODWINE MARK VITELLA
 of 28 GOVERNMENT RD MERRINBOOL
 Postcode 2875 in the State/Territory of NSW
 which commences on this page and which concludes where the words "This is the end of my Will" appear.

(By this Will, I revoke all previous Wills and testamentary acts and dispositions.

ONLY MS VITELLARO AND SON TOM HOPSON TO

2. Executor / Executrix

ATTEND BURIAL

I appoint MS DENISE RAHEL VITELLARO
 of 6 LOBELIA ST MACQUARIE FIELDS
 Postcode 2654 in the State/Territory of NSW
 and I appoint

of
 Postcode in the State/Territory of

to be the Executor(s) of my Will and Trustee(s) of my estate, but if he/she/they does not/do not outlive me or is/are unwilling to act or incapable of acting, then I appoint

of
 Postcode in the State/Territory of

3. Guardian of Minor Children

On my death, I appoint
 of

Postcode in the State/Territory of
 to be the Guardian of my minor children during their respective minorities.

4. Special Gifts

I make the following special gifts (legacies, bequests and devises): MOB
TO (CON SARRIS) NEIGHBOUR (0405 190 247)
WATER TANK, WATER PUMP, GRILLES
AND FLAT PANNELING

★ (BROTHER)
 PLEASE NOTE MAR A F VITELLARO TO RECEIVE
BROTHER) NOTHING AT ALL PADDINGTON
AND NOT ATTEND BURIAL BARCHAN ST

If the order of deaths of two persons is uncertain, this Will is to be interpreted as if the younger outlived the older.

If my Executor(s) is holding any part of my estate in trust for any beneficiary, my Executor(s) will have all the powers given to executors or trustees by the legislation in any of the Australian States or Territories (not just the State or Territory where my estate is being administered) - free (where permitted) of any limitations expressed in terms of time or money.

SIGNATURES

Sign below in the presence of two witnesses

Testator/Testatrix

Signed and dated this 14 day of 11 20 23



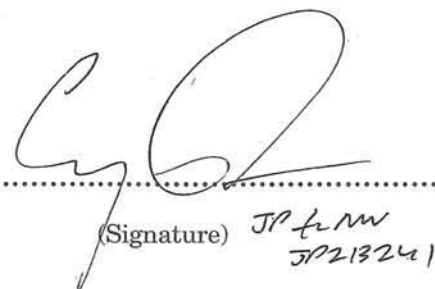
(Signature of Testator / Testatrix)

Witnesses

This Will was signed by the Testator/Testatrix in the presence of both of us as witnesses and signed by both of us in the presence of the other, and in the presence of the Testator/Testatrix.

Name: Eugene Young Bae

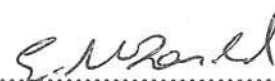
Address: 428 Victoria Ave
Clontarf



(Signature) JP 4 NW
JP213241

Name: Eloise Jayne McDonald

Address: 26A Wallaroo Rd
Buxton



(Signature)

This is the end of my Will

From: Amelia Meek
Sent: Wednesday, 20 September 2023 9:37:30 AM
To: Amelia Meek
Cc: Cameron Woodcroft; Bailey Cox
Bcc: VOYAGER RESORT LIMITED _ Court Liquidation _ VOYAGER RESORT LIMITED _ Shareholders
Subject: PC / Denise Vitellaro / 20 September 2023 [PILOT-CLIENT.FID1210301]
Attachments: FW: PILOT Voyager Resort Limited in Liquidation ANC 010547618 the company

FILE NOTE

Matter	Voyager (CL)
Filing No.	Shareholders
Date/Time	20/09/23 9:12am
Phone No.	02 8798 0415
In/Out	Out
Person	Denise Vitellaro (daughter of Anthony Vitellaro – lot owner)
Alternate Contact	tomhopson@hotmail.com.au

Comments

- Called re attached email
- She advised the title wasn't left to her in the will, but her father had written a letter to that effect. I said she'd need to speak to her solicitor about how the funds are distributed to beneficiaries once paid
- I asked for the contact details of who was handling the estate, we need a will/letter of administration
- She implied she was handling everything but said there were solicitors involved too
- She will send me docs she has and pass on my details to the solicitor

Actions To Be Performed

-

Regards,

Amelia Meek

Accountant, Forensic Accounting

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

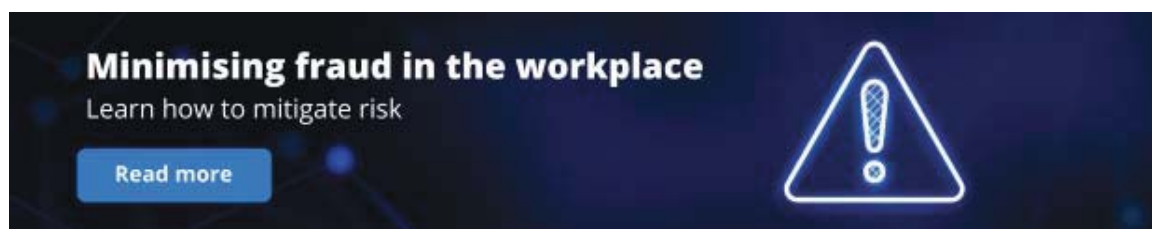
T +61 7 3023 1315 E AMEEK@pilotpartners.com.au W pilotpartners.com.au



Chartered Accountants

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From: Amelia Meek
Sent: Wednesday, 20 September 2023 3:16:53 PM
To: Amelia Meek
Cc: Bailey Cox;Cameron Woodcroft
Subject: RE: PC / Denise Vitellaro / 20 September 2023 [PILOT-CLIENT.FID1210301]

PC 12:49pm
0413 699 443 - In

- PC with Denise & her solicitor, Peter Lofitis of West Legal
- I explained to Peter what we needed, he explained further to Denise who seemed to understand better
- Peter asked me to email him so he can provide probate etc.
- He told Denise he would update her going forward because Pilot would be dealing with him directly
- lofitis@westlegal.com.au

Amelia to email Peter & update contact details

Regards,

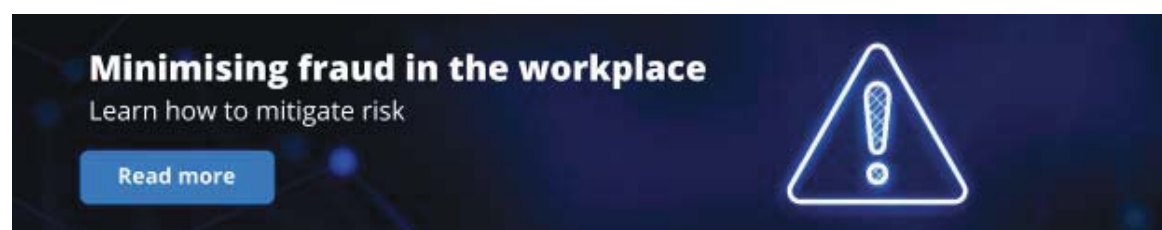
Amelia Meek

Accountant, Forensic Accounting
Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000
T +61 7 3023 1315 **E** AMEek@pilotpartners.com.au **W** pilotpartners.com.au



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From: Amelia Meek
Sent: 20 September 2023 9:38 AM
To: Amelia Meek <AMEek@pilotpartners.com.au>
Cc: Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>; Bailey Cox

<bcox@pilotpartners.com.au>

Subject: PC / Denise Vitellaro / 20 September 2023 [PILOT-CLIENT.FID1210301]

FILE NOTE	
Matter	Voyager (CL)
Filing No.	Shareholders
Date/Time	20/09/23 9:12am
Phone No.	02 8798 0415
In/Out	Out
Person	Denise Vitellaro (daughter of Anthony Vitellaro – lot owner)
Alternate Contact	tomhopson@hotmail.com.au

Comments

- Called re attached email
- She advised the title wasn't left to her in the will, but her father had written a letter to that effect. I said she'd need to speak to her solicitor about how the funds are distributed to beneficiaries once paid
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- She implied she was handling everything but said there were solicitors involved too
- She will send me docs she has and pass on my details to the solicitor

Actions To Be Performed

-

Regards,

Amelia Meek

Accountant, Forensic Accounting

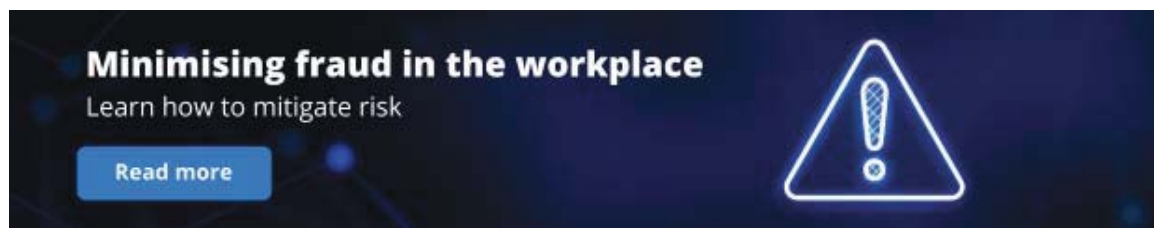
Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 1315 **E** AMEEK@pilotpartners.com.au **W** pilotpartners.com.au



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From: Amelia Meek
Sent: Wednesday, 20 September 2023 3:30:25 PM
To: lofitis@westlegal.com.au
Subject: Voyager Resort Limited (In Liquidation) [PILOT-CLIENT.FID1210301]
Attachments: Report_30 May 2023(2428759.1).pdf, Report to Creditors_1 August 2023(2476551.1).pdf, Report_21 August 2023(2491400.1).pdf

Dear Peter,

I refer to our telephone call earlier with Denise regarding Mr Anthony Vitellaro's lot holding in the Voyager Resort building.

I have **attached** all correspondence issued to lot owners to date.

Please provide our office a copy of Mr Vitellaro's Will and/or Grant of Probate.

In due course, we will contact you regarding collection of bank account details for payment of the Statutory Trustees' distribution.

Should you have any further questions, please do not hesitate to contact our office.

Regards,

Amelia Meek

Accountant, Forensic Accounting

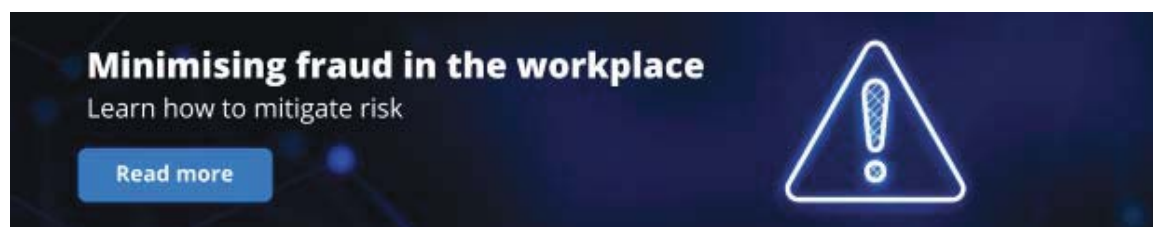
Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 1315 **E** AMEek@pilotpartners.com.au **W** pilotpartners.com.au



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YOUR BUSINESS NAVIGATOR

Voyager Resort Limited
(In Liquidation)
ACN 010 547 618
(the "Company")

Notification of Appointment

Appointees:

Mr Bradley Vincent Hellen and
Mr Nigel Robert Markey
Pilot Partners

Contact:

voyager@pilotpartners.com.au

Date: 30th day of May, 2023





Contents

1. SUMMARY	3
2. INITIAL INFORMATION	5
3. BACKGROUND	8
4. COMPANY INFORMATION	11
5. COSTS OF THE ADMINISTRATION	14
6. WHAT HAPPENS NEXT?	15
7. FREQUENTLY ASKED QUESTIONS	16

Appendices	Document Description
A	DIRRI
B	Liquidators' Investigations
C	ARITA Information Sheet: Creditor Rights in Liquidations
D	Initial Remuneration Notice
E	Pilot Charge out Rates
F	Proof of Debt (Form 535)
G	Court Order – Appointment of Statutory Trustees
H	Court Order – Winding up and Appointment of Liquidators



Section | ONE

1. SUMMARY

We, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey, were appointed Liquidators of the Company on 2 May 2023. We were appointed by the Supreme Court of Queensland, on application by Mr Geoffrey Heaton, director of the Company. **Importantly, the application to wind up the Company was made on just and equitable grounds as the Company is solvent.**

Pilot Partners has also been engaged by the Statutory Trustees of the Voyager Resort to assist in the calculation and distribution of proceeds from the recent sale of the building to Lot owners.

As the Company is the owner of a number of Lots, a significant distribution will also be received by the Company. Once these funds are received, the Liquidators will be able to proceed with a dividend to creditors and a distribution to shareholders.

There are a number of legal and practical issues required to be resolved prior to the distribution from the Statutory Trustees and the Liquidators. This includes investigating shareholdings in the Company to ensure distributions are paid correctly. Once all matters have been addressed, a distribution will be made as soon as possible.

The Liquidators will contact you to confirm your details for payment once a distribution can be paid from the Company.

If you owe the Company any outstanding levies, please notify us immediately by contacting our office.

Can I contact the Liquidator?

A list of Frequently Asked Questions can be found at section 7 of this Report. Please read these questions before contacting the Liquidators as they may answer your enquiry.



Should you have any further queries or have information that may assist the Liquidators' in any investigations, please do not hesitate to contact our office.

	Details
Email:	voyager@pilotpartners.com.au

Dated this 30th day of May, 2023.



N

JOINT & SEVERAL LIQUIDATOR



Section | TWO

2. INITIAL INFORMATION

The purpose of this section is to provide you with information about the Court Liquidation of the Company and your rights as creditors and shareholders.

2.1 Notification of Appointment

On 2 May 2023 Mr Bradley Vincent Hellen and Mr Nigel Robert Markey were appointed Liquidators of the Company by Order of the Supreme Court of Queensland. This order was made pursuant to the application from Mr Geoffrey Heaton, a Director of the Company, that the Company be wound up on just and equitable ground under section 461(k) of the *Corporations Act 2001*. A copy of the Court Order is attached as **Appendix H**.

A copy of the Liquidators' Declaration of Independence, Relevant Relationships and Indemnities ("DIRRI") is attached at **Appendix A**.

The DIRRI assists you to understand any relevant relationships that the Liquidators have and any indemnities or upfront payments that have been provided to the Liquidators. The Liquidators have considered each relationship and it is their opinion that none of the relationships disclosed in the DIRRI result in a conflict of interest or duty or affect their independence.

2.2 What is a Court Liquidation?

A court liquidation is where an order to place a company into liquidation is made by the court. Usually this is on application of a creditor where the company has not paid its outstanding debt. Directors, shareholders and the Australian Securities and Investments Commission ("ASIC") can also make a winding-up application to the court.

In this case, the Director, Mr Geoffrey Heaton, has applied to the court to wind up the Company on just and equitable grounds. Importantly, the Company is solvent and appears to have sufficient funds to meet all creditors' claims.

According to the Company's records, you may be a creditor or shareholder of the Company.

2.3 What is the Liquidators' Function?

The Liquidators' function is to identify and secure assets of the Company and distribute them firstly to the creditors and if sufficient assets, then to the shareholders.

The Liquidators will investigate and identify assets that can be realised and what other recoveries can be made.

A summary of the nature and type of investigations the Liquidators will undertake are attached at **Appendix B**.



If any creditor or shareholder is aware of matters relating to the past dealings of the Company that may assist investigations, please contact this office.

2.4 Information for Shareholders

If you are a shareholder of the Company and a Lot owner of the Voyager Resort building, you may be entitled to a distribution from the Trustees and a distribution from the Company.

The amount of money you receive will depend on the amount we recover from realising the Company's assets. After paying Liquidators' fees and creditors claims. This amount is called a dividend or a distribution.

At this stage, a full return to creditors is likely and the remaining funds will be distributed to shareholders equally.

Information regarding your rights as a shareholder can be found on the ASIC website at <https://asic.gov.au/regulatory-resources/insolvency/insolvency-for-investors-and-shareholders/>.

2.5 Information for Creditors

All creditors of the Company are now creditors in the administration. As a creditor, you have certain rights, although your debt will now be dealt with in the administration.

The amount of money you receive will depend on the amount we recover from realising the Company's assets and the recovery of voidable transactions. After paying Liquidators' fees, creditors share the remaining money. This amount is called a dividend.

A dividend can vary between creditors because the law entitles certain classes of creditors to be paid before other types of creditors.

At this stage, the Liquidators estimate a full dividend to all classes of creditors is likely.

If you have leased the Company property, have a retention of title claim or hold a Personal Property Security in relation to the Company, please email full details to voyager@pilotpartners.com.au as soon as possible.

2.6 How to make a claim - Creditors

Should you wish to make a claim in the administration for money outstanding to you, please complete a Proof of Debt or Claim form, attached as **Appendix F**. When lodging your claim, please include any supporting documentation.

Please send completed forms to voyager@pilotpartners.com.au



2.7 Employees

We understand all employee entitlements owed by the Company have been paid and the Company has no outstanding employee entitlements. However, if you are were an employee and believe you are owed any outstanding entitlements, you can make a claim to the Liquidators.

Eligible employees may also be able to make a claim with the Commonwealth Government Fair Entitlements Guarantee Scheme ("FEG") for unpaid employee entitlements. FEG does not cover claims for unpaid superannuation.

Further information can be obtained directly from the Department of Employment and Workplace Relations on their website <https://www.dewr.gov.au/fair-entitlements-guarantee> or by ringing their hotline on 1300 135 040.

2.8 Your rights as a Creditor

Information regarding your rights as a creditor is provided in the information sheet included at **Appendix C**. This includes your right to:

1. make reasonable requests for a meeting;
2. make reasonable requests for information;
3. give directions to the Liquidators;
4. appoint a reviewing liquidator; and
5. replace the Liquidators.

The Australian Restructuring Insolvency and Turnaround Association ("ARITA") provides information to assist creditors with understanding liquidations and insolvency. This information is available from ARITA's website at <https://www.arita.com.au/creditors>

Australian Securities & Investments Commission ("ASIC") also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at <https://asic.gov.au/> (search for "insolvency information sheets").

2.9 Costs of the liquidation

Included as **Appendix D** is an Initial Remuneration Notice. This document provides you with information about how we propose to be paid for undertaking the administration.

2.10 Privacy

You should note that this appointment is likely to involve the collection of personal information in connection with the insolvent and its stakeholders. Please refer to www.pilotpartners.com.au for details of Pilot's Privacy Policy.



Section | Three

3. BACKGROUND

3.1 Voyager Resort

The building and amenities located at 167 Old Burleigh Rd, Broadbeach, Queensland operated a timeshare operation, "Voyager Resort", whereby owners of a timeshare were allocated a week to enjoy the resort amenities. Timeshare owners were required to contribute levies to the Company to maintain the building and its amenities among other tasks.

3.2 Lot Owners and Shareholders

Each timeshare owner held a portion of a lot within the Voyager Resort. They also owned one share in the Company for each week they owned.

The number of Lot owners should equal the number of shareholders. However, over time the Company acquired lots within Voyager Resort, but could not own shares within itself. Each shareholder by virtue of their shareholding interest, owns a portion of the lots owned by the Company.

In the past it appears the Company may have purchased shares in itself, in error, when acquiring lots within Voyager Resort. The Company has previously attempted to align the lot holding interests (excluding its own) with the shareholders. The Liquidators are investigating the shareholdings prior to any distribution from the Company to ensure each shareholder's interests are correct.

3.3 Timeline of Events to Date

Date	Event
1984	Company incorporated
December 2019	Survey sent to owners to consider sale of resort
November 2021	Extraordinary general meeting held with the following approved: <ul style="list-style-type: none"> Sale of resort and distribution to owners Once the building is sold, appoint Pilot Partners as liquidators to wind up the Company and the time share scheme
16 November 2021	Application filed to appoint Statutory Trustees to the Voyager Resort
25 March 2022	Court appointed Statutory Trustees of Voyager Resort Lots 3 to 62
December 2022	Sale of property and business completed. Application made to the Court by Mr Heaton to wind up the Company
27 April 2023	Statutory Trustees engaged Liquidators to assist with distribution to owners
2 May 2023	Company placed into liquidation



3.4 Sale of the Voyager Resort Building

The Supreme Court of Queensland on 25 March 2022 appointed Statutory Trustees Geoffrey Graeme Heaton, Geoffrey Phillip Walters and Angela Julian-Armitage to sell the Voyager Resort building located at 167 Old Burleigh Road, Broadbeach. A copy of the Court Order is attached as **Appendix G**.

The sale completed in December 2022 and has since settled for \$45,001,680.

The business operated by the Company was also sold in conjunction with the sale of the building for \$300,000.

3.5 Statutory Trustees' Role

The Statutory Trustees and the Liquidators are two separate appointments, with similar eventual beneficiaries. The Supreme Court of Queensland order dated 25 March 2022, stipulates the Statutory Trustees' duties and the order for funds to be paid. A copy of the Order appointing the Statutory Trustees is attached as **Appendix G**.

The Statutory Trustees', pursuant to the Order, were to undertake a number of steps including:

- Appoint a registered valuer;
- Market and sell the Voyager Resort property in conjunction with the Company.
- Receive the funds from the sale of the property; and
- Calculate and distribute the funds received in accordance with the Court orders.

We understand the Statutory Trustees are now in the final phase. They have appointed Pilot Partners to calculate and assist with the distribution of net sale proceeds from the sale of the building to the owners.

3.6 Liquidators' Role

The Liquidators were appointed to the Company (despite it being solvent) for the following reasons:

- The Company is a public company and is required to have a registered liquidator to be wound up;
- The Liquidators are an independent third party who are bound to act in the best interests of the creditors and shareholders; and
- The Liquidators have the relevant experience, systems and process to effectively distribute the funds.

Further information on the Liquidators' role can be found in sections 2 and 6 of this report.

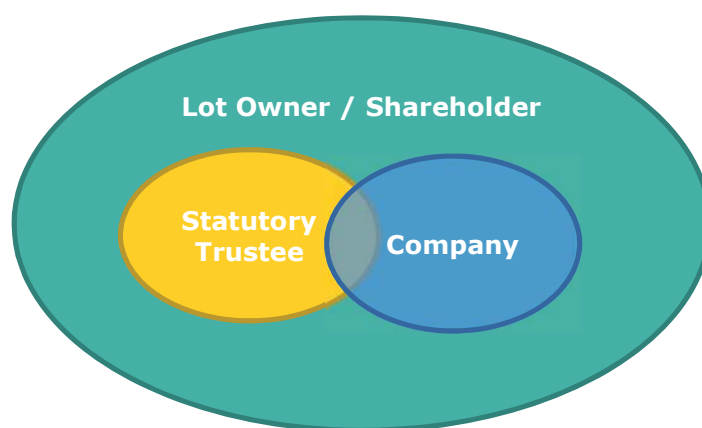


3.7 Going Forward

The Statutory Trustees have engaged Pilot Partners to calculate and assist with the distribution of net sale proceeds from the sale of the building to the owners. Once the distribution has been calculated the Statutory Trustees will authorise the distribution. The Company, as an owner of Lots within the building, will also receive a distribution from the Statutory Trustees.

Once the Statutory Trustees' distribution is made, the Company will have sufficient funds for the Liquidators to proceed with a dividend and distribution from the Company.

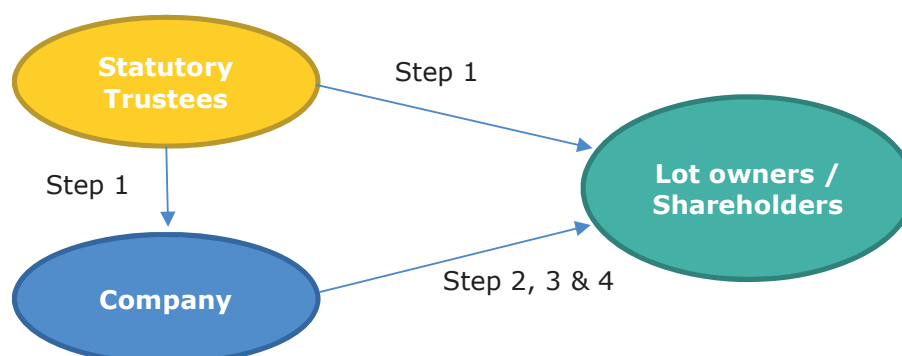
The below diagram illustrates the ownership of the relevant entitlements:



The following must occur in order to distribute the sale proceeds and assets of the Company to shareholders.

1. Statutory Trustees to make distribution to Lot owners, with the calculation and distribution assistance of Pilot Partners;
2. Liquidators to receive creditor claims, conduct any investigations, recover assets including the distribution from the Statutory Trustees, report to creditors and shareholders.
3. Liquidators to calculate then pay a distribution to creditors
4. Liquidators to calculate then pay a distribution to shareholders
5. Liquidators to finalise the administration.

The below is a diagram of how the funds are to flow to Lot owners and shareholders.





Section | FOUR

4. COMPANY INFORMATION

4.1 Company Summary

Date of Incorporation:	23 November 1984	
Director(s) Name	Date Appointed	Date Ceased
Geoffrey Graeme Heaton	4 November 2017	Current
Geoffrey Phillip Walters	4 November 2017	Current
Angela Julian-Armitage	4 November 2017	Current
Peter Humphrey Firkins	20 July 2019	Current
Shares Issued		
At the date of our appointment, the ASIC company register indicates 3,611 ordinary shares had been issued at \$1 each.		
The Company's records indicate as at 31 December 2022, issued capital included 1,941 shares at \$1 each.		
The shareholdings in the Company will be investigated by the Liquidators.		
Trading Names:	Voyager Resort	
Business:	The principal activity was managing and maintaining the Voyager Resort timeshare accommodation.	
Principal Place of Business	The business operated from 167 Old Burleigh Road, Broadbeach QLD 4218.	
Trading Status	The Directors have advised the Company ceased trading on 16 December 2022 when the property was sold.	

4.2 Reason for Winding Up

The Company was created for the purpose of managing the Voyager Resort timeshare. As the building has now been sold, the Company is longer required and is being dissolved so funds can be returned to its members.



The Directors subsequently applied to the court to wind up the Company on just and equitable grounds so that it could be dissolved.

4.3 Company Assets and Liabilities

The Directors are required to submit to the Liquidators a Report on Company Activities and Property ("ROCAP") of the Company in the prescribed form and deliver up any books and records of the Company. The ROCAP sets out the Company's financial position to the best of the directors' knowledge and beliefs as at the date of liquidation.

To date, reports have been received from Mr Heaton, Mr Walters and Mr Firkins. Ms Julian-Armitage is yet to submit her report though we do not anticipate any new or materially different information to be included.

These reports are summarised below. The Liquidators have provided this information to assist in understanding the Company's affairs.

	Notes	Directors' ERV \$	Liquidators' ERV \$
Assets			
Cash at Bank	1	3,338,481	3,338,481
Debtors	2	2,000,000	Unknown
Security Bond	3	20,000	20,000
Distribution from Statutory Trustees	4	15,200,000	Unknown
Foreign Resident Capital Gains Withholding	5	-	Unknown
Liabilities			
Unsecured Creditors	6	3,613	3,613
Net Surplus/(deficiency)		Unknown	Unknown

**Estimated Realisable Value.*

1. Cash at Bank

As at the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment.



2. Debtors

As at the date of our appointment the Company's records disclosed debtors of \$5,027,852. This amount represents unpaid levies owed to the Company by Lot owners.

These debtors will be paid by the Statutory Trustees to the Company after being deducted from the distribution to the relevant owners, pursuant to paragraph 11 of the Court Order attached as **Appendix G**.

3. Security Bond

The Company recently ceased to hold an AFS licence and Australian Securities and Investments Commission ("ASIC") holds a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

We are in the process of discharging this security bond and recovering the funds.

4. Distribution from Statutory Trustees

As mentioned in section 3.7, Pilot Partners are assisting the Statutory Trustees with their distribution of the sale proceeds from the sale of the Voyager Resort building.

A significant distribution is expected to be received from the Statutory Trustees for the Lots the Company held ownership of.

This amount is yet to be calculated, however the Directors have estimated approximately \$15,200,000 will be received by the Company.

5. Foreign Resident Capital Gains Withholding ("FRCGW")

The Company will be required to lodge a Company Tax Return for the 2023 financial year. A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. A tax return is required to be lodged in order to claim a refund of the FRCGW.

The amount of this refund is yet to be determined.

6. Unsecured Creditors

As at the date of our appointment, the Company's records disclosed creditors of \$3,613.

The exact amount due to unsecured creditors will not be determined until such time as all creditors have lodged their Proof of Debt and the process of adjudication has been completed.



Section | FIVE

5. COSTS OF THE ADMINISTRATION

5.1 Estimated Costs

It was estimated that the costs of the administration would be approximately \$30,000 to \$50,000 (excluding GST) depending on matters arising. We expect to incur third party costs including legal, information technology and/or other out of pocket costs.

Attached as **Appendix D** is an Initial Remuneration Notice. This document provides you with information about how we propose to be paid for undertaking the Liquidation.

The Liquidators' remuneration requires either:

- a) approval of the creditors; or
- b) approval of the court.



Section | SIX

6. WHAT HAPPENS NEXT?

The Liquidators will proceed with the administration, including where applicable:

- realising the assets including;
 - distribution from the Statutory Trustees
 - security bonds;
 - cash at bank; and
 - any other asset of the company.
- recovering any further available property or recoverable transactions;
- assisting the Statutory Trustees in calculating and distributing funds to Lot owners;
- liaising and dealing with shareholder and creditors enquiries;
- completing investigations into the Company's affairs;
- preparing and distributing the Company funds to creditors and members;
- completing any further reporting to the corporate insolvency regulator, ASIC; and
- any other matters relevant to the liquidation.

If a request for a meeting of creditors is received that complies with the guidelines set out in the Initial Information for Creditors, the Liquidators will convene a meeting of creditors.



Section | SEVEN

7. Frequently Asked Questions

What do I need to do? – Shareholders/Lot owners

Please wait for the Liquidators to provide further directions.

The Liquidators will contact you to confirm your details for payment once a distribution can be paid from the Company.

The Liquidators are also assisting the Statutory Trustees with the distribution of proceeds from the sale of the building, the Liquidators may contact you regarding this distribution also.

What do I need to do? - Creditors

Should you wish to make a claim in the administration, please complete and return to this office a Proof of Debt or Claim form, attached as **Appendix F**. When lodging your claim, please include any supporting documentation.

Please send completed forms to voyager@pilotpartners.com.au

What is the Liquidators' role?

The Liquidators' function is to identify and secure assets of the Company and distribute them to the creditors first, then shareholders. The largest asset of the Company is the distribution due from the Trustees for Lots owned by the Company within the property.

What is the Statutory Trustees' role?

The Trustees are required to distribute the net sale proceeds of the Voyager Resort to Lot owners as dictated by paragraph 11 of the Court Order, attached as **Appendix G**. The Liquidators will assist the Trustees in calculating and paying these funds.

When will I receive my money?

Once the distribution from the Statutory Trustees for the building sale proceeds is completed, the Liquidators will proceed with a dividend and distribution to creditors and shareholders.

The Liquidators are unable to determine the expected date of payment however the estimated timeframe is four to five months from the date of this report.

How much will I receive?

At this stage, a full return to creditors is likely.



The amount available to shareholders will be determined once the Company's payment from the Statutory Trustees is calculated. The Liquidators are assisting the Statutory Trustees with these calculations.

An update will be provided when more information is available.

How are Unpaid Levies dealt with?

Unpaid levies will be deducted from the distribution to the relevant Lot owners by the Statutory Trustees, pursuant to paragraph 11 of the Court Order attached as **Appendix G**.

The Liquidators will adjudicate on the outstanding levies in order to assist the Statutory trustees in determining the amounts to be withheld from the applicable Lot owners. Should Lot owners believe the amount of any outstanding levies are incorrect, they should contact the Liquidators with written details disputing the amount owed.

Who pays the Sale Costs for the property?

The costs applicable to the sale of the property and the Statutory Trustees are deducted from the sale proceeds from the property.

Do the Liquidators receive remuneration?

Included as **Appendix D** is an Initial Remuneration Notice. This document provides you with information about how we propose to be paid for undertaking the administration.

A significant amount of the Liquidators' time is spent communicating with creditors and shareholders. However, there are a number of other tasks that are required to be done prior to the Company being wound up and the distribution to shareholders being made.

Can I continue to use my unit in the Voyager building?

No. The Voyager Resort building has been sold.

Will I receive a statement of how the funds have been dealt with?

The Liquidators will provide correspondence advising you of the amount you have received and the relevant receipts and payments made within the liquidation.

Why is it taking so long for the payment to be made to the Lot Owners and Shareholders?

There are a number of legal and practical issues required to be resolved prior to a distribution from either the Statutory Trustees or the Liquidators. Once these matters have been addressed, a distribution will be made as soon as possible.



How will payment be made?

Distributions will be paid to Lot owners and Shareholders by electronic funds transfer, where possible. If you are unable to receive an electronic funds transfer please contact our office.

Currently, we anticipate you will be required to provide your bank details to the Liquidators by a secure electronic portal in order to receive funds. Further information in relation to this process will be provided in due course.

Who can I contact if I have a question?

Please send any enquiries to voyager@pilotpartners.com.au



Appendix A



Declaration of Independence, Relevant Relationships and Indemnities (“DIRRI”)

Voyager Resort Limited (In Liquidation) (“The Company”) ACN 010 547 618

The purpose of this document is to assist creditors with understanding any relationships that the Liquidators has and any indemnities or upfront payments that have been provided to the Liquidators. None of the relationships disclosed in this document are such that the independence of the Liquidators is affected.

This information is provided to you to enable you to make an informed assessment on any independence concerns, so you have trust and confidence in our independence and, if not, can act to remove and replace us if you wish.

This declaration is made in respect of us, our partners and our firm, Pilot Partners.

A. Independence

We, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey, of Pilot Partners, have undertaken an assessment of the risks to our independence prior to accepting the appointment as Liquidators of the Company in accordance with the law and applicable professional standards. This assessment identified no real or potential risks to our independence. We are not aware of any reasons that would prevent us from accepting this appointment.

B. Declaration of Relationships

B1. Circumstances of Appointment

We were appointed Liquidators of the Company by the Court on the application of Mr Geoffrey Heaton, director of the company. We consented to act as Liquidators on the request of the petitioning creditor’s solicitor, Mills Oakley on 16 March 2023. This consent does not affect our independence for the following reasons:

- The giving of a consent to act does not result in any duty owed to that creditor that would conflict with our interests or duties under the *Corporations Act 2001*.
- The referrer refers insolvency-related engagements to Pilot Partners from time to time. Neither we nor our firm have any formal or informal referral arrangements with them and to our knowledge they do not refer work exclusively to us or our firm.
- Referrals from solicitors, business advisors and accountants are commonplace and do not impact on our independence in carrying out our duties as Liquidators.
- There is no expectation, agreement or understanding between us and the referrer regarding the conduct of this, past or future likely referrals and we, are free to act independently and in accordance with the laws and the requirements of the ARITA Code of Professional Practice.

We have provided no information or advice to the Company, its directors or their advisors prior to our appointment beyond that outlined in this DIRRI.

B2. Prior Professional Services to the Insolvent

Neither we, nor our firm, have provided any professional services to the Company in the previous 24 months.

B3. Relevant Relationships (Excluding Professional Services to the Insolvent)

We, or a member of our firm, have, or have had within the preceding 24 months, a relationship with:

Name	Nature of Relationship	Reasons
Geoffrey Graeme Heaton, Geoffrey Phillip Walters and Angela Julian-Armitage are Statutory Trustees of Lots 3 to 62 of BUP 6459 ("Voyager resort").	<p>Our firm have previously acted for and are acting for the Statutory Trustees of Lots 3 to 62 of BUP 6459 ("Voyager resort") for the following:</p> <ul style="list-style-type: none"> Taxation advice surrounding their duties as Statutory Trustees and implications from the sale of Voyager resort which required the application to the Deputy Commissioner of Taxation for private rulings; and Distribution calculations and assistance for the Statutory Trustee appointment after the sale of the Voyager resort. Noting final verification still rests with the Statutory Trustees. <p>This appointment began around March 2022 and continues.</p> <p>The Statutory Trustees are directors of the company.</p>	<p>We believe that this relationship does not result in a conflict of interest or duty because:</p> <ul style="list-style-type: none"> The taxation work conducted on behalf of the Statutory Trustees is not subject to review by the liquidators. If the work was subject to a review, the majority relates to work that was ultimately determined private rulings obtained from the by the Deputy Commissioner of Taxation. The administration of the Company and the distribution calculations being undertaken for the Statutory Trustees, we believe does not give rise to any conflict of interest. The shareholders of the company and the lot owners within the property subject to the Statutory trustees are the same. Therefore, the interests of the Statutory Trustees and the liquidators are aligned. The appointment of the liquidators to the company actually provides an additional layer of review to the distribution process and security for the ultimate beneficiaries. The role undertaken by us will not influence our ability to be able to fully comply with the statutory and fiduciary obligations associated with the administration of the Company in an objective and impartial manner.

B5. No Other Relevant Relationships to Disclose

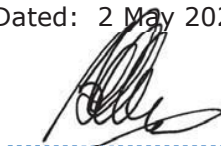
There are no other known relevant relationships, including personal, business and professional relationships, from the previous 24 months with the Company, an associate of the Company, a former insolvency practitioner appointed to the Company or any person or entity that is entitled to enforce a security interest in the whole or substantially whole of the Company's property that should be disclosed.

C. Indemnities and Upfront Payments


We have not been indemnified in relation to this administration, other than any indemnities that we may be entitled to under statute and We have not received any upfront payments in respect of our remuneration or disbursements.

This does not include statutory indemnities. We have not received any other indemnities or upfront payments that should be disclosed.

Dated: 2 May 2023



.....
Mr Bradley Vincent Hellen



.....
Mr Nigel Robert Markey

Note:

1. *If circumstances change, or new information is identified, We are required under the Corporations Act 2001 and the ARITA's Code of Professional Practice to update this Declaration and provide a copy to creditors with our next communication as well as table a copy of any replacement declaration at the next meeting of the company's creditors. For Creditors' Voluntary Liquidations and Voluntary Administrations, this document and any updated versions of this document are required to be lodged with ASIC.*



Appendix B



LIQUIDATORS' INVESTIGATIONS

1. What are the Liquidators' duties

As each administration is different, consideration is given to the particular circumstances of each company and the investigations are customised accordingly.

The Liquidators' function is to identify and secure the assets of the company and distribute them to the creditors. The Liquidators will investigate and identify what assets can be realised and what other recoveries can be made.

There is also an obligation on the Liquidators to report any misconduct or offences to the Australian Securities and Investment Commission ("ASIC").

2. What investigations are conducted by the Liquidators

Investigations include (where applicable), but are not limited to, undertaking the following tasks:

- notifying the directors and secretary of the company of their obligation to submit a Report on Company Activities and Property ("ROCAP") and deliver up the company's books and records;
- identifying and securing the assets of the company;
- seeking to ascertain the location of the company's books and records, take reasonable steps to safeguard those books and records and take a listing of those books and records;
- seeking the assistance of ASIC when the ROCAP and books and records are not provided;
- if the company acts as a corporate trustee, obtaining a copy of the relevant trust document and determining the effect of the appointment;
- arranging appropriate insurance cover; and
- conducting and undertaking (if applicable) the following.

Searches	Enquiries
<ul style="list-style-type: none"> • ASIC's registers – the company, its officers and related parties • Personal Property Securities Register ("PPSR") • Australian Business Number ("ABN") • Australian Security Exchange • Motor vehicle searches with the Department of Transport • Land titles search for property registered to the company and its officers • Share registry searches • Internet and IP searches, including business name, domain name, trading address and social media service 	<ul style="list-style-type: none"> • Contacting the major banks to identify any accounts or other financial products • Requesting bank statements and records (if company's bank is known) • Contacting major utility service providers • Requesting information about the company's affairs from former financial or legal advisors • Contacting the Deputy Commissioner of Taxation • Notifying the Bailiff's/Sheriff's Offices • Arranging mail redirection • Liaising with key creditors, the petitioning creditor or their solicitor

3. What is the extent of those investigations?

It is not uncommon in an administration for there to be no, or limited, books and records provided. Furthermore, the ROCAP may also not be provided or may be poorly completed.

It is also not uncommon for an administration to be without funds.

Accordingly, the extent of the Liquidators' investigations will be limited by the information and funds available.

Sufficient investigations will be undertaken in order to:

- determine the reasons for the failure of the Company;
- prepare a Statutory Report (Form 5601) for lodgement with ASIC;
- identify whether any possible offences have been committed which must be reported to ASIC in the section 533 report;
- identify whether there is evidence to support any allegations of offences; and
- form a preliminary view on whether there are any of the following types of recoverable transactions:
 - insolvent trading
 - unfair preferences
 - uncommercial transactions
 - unfair loans
 - unreasonable director-related transactions
 - transactions to avoid employee entitlements
 - related party transactions
 - circulating security interests created within six months
 - unregistered security interests

*Further explanation of these types of transactions is set out in the ARITA Creditor Information Sheet **attached as Appendix C.***

The extent of any further investigations will be determined after taking into account the following matters:

- the size of the administration
- the size and materiality of the transactions;
- the availability of books and records;
- the level of assets available to fund any further investigation;
- the possibility of alternate sources of funding;
- the likelihood of recoveries from third parties;
- the views of creditors; and
- the impact on the likely dividend to creditors.



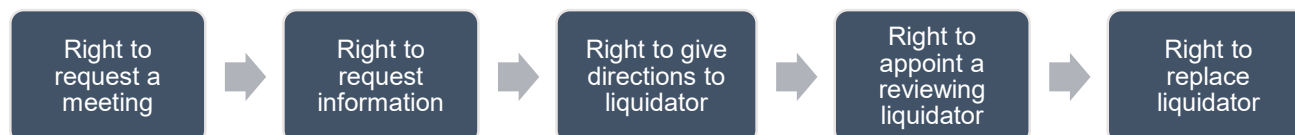
Appendix C





Creditor Rights in Liquidations

As a creditor, you have rights to request meetings and information or take certain actions:



Right to request a meeting

In liquidations, no meetings of creditors are held automatically. However, creditors with claims of a certain value can request in writing that the liquidator hold a meeting of creditors.

A meeting may be requested in the first 20 business days in a creditors' voluntary liquidation by $\geq 5\%$ of the value of the debts held by known creditors who are not a related entity of the company.

Otherwise, meetings can be requested at any other time or in a court liquidation by:

- $> 10\%$ but $< 25\%$ of the known value of creditors on the condition that those creditors provide security for the cost of holding the meeting
- $\geq 25\%$ of the known value of creditors
- creditors by resolution, or
- a Committee of Inspection (this is a smaller group of creditors elected by, and to represent, all the creditors).

If a request complies with these requirements and is 'reasonable', the liquidator must hold a meeting of creditors as soon as reasonably practicable.

Right to request information

Liquidators will communicate important information with creditors as required in a liquidation. In addition to the initial notice, you should receive, at a minimum, a report within the first three months on the likelihood of a dividend being paid.

Additionally, creditors have the right to request information at any time. A liquidator must provide a creditor with the requested information if their request is 'reasonable', the information is relevant to the liquidation, and the provision of the information would not cause the liquidator to breach their duties.

A liquidator must provide this information to a creditor within 5 business days of receiving the request, unless a longer period is agreed. If, due to the nature of the information requested, the liquidator requires more time to comply with the request, they can extend the period by notifying the creditor in writing.

Requests must be reasonable.

They are not reasonable if:

Both meetings and information:

- (a) complying with the request would prejudice the interests of one or more creditors or a third party
- (b) there is not sufficient available property to comply with the request
- (c) the request is vexatious

Meeting requests only:

- (d) a meeting of creditors dealing with the same matters has been held, or will be held within 15 business days

Information requests only:

- (e) the information requested would be privileged from production in legal proceedings
- (f) disclosure would found an action for breach of confidence
- (g) the information has already been provided
- (h) the information is required to be provided under law within 20 business days of the request

If a request is not reasonable due to (b), (d), (g) or (h) above, the liquidator must comply with the request if the creditor meets the cost of complying with the request.

Otherwise, a liquidator must inform a creditor if their meeting or information request is not reasonable and the reason why.

Specific queries about the liquidation should be directed to the liquidator's office.



Right to give directions to liquidator

Creditors, by resolution, may give a liquidator directions in relation to a liquidation. A liquidator must have regard to these directions, but is not required to comply with the directions.

If a liquidator chooses not to comply with a direction given by a resolution of the creditors, they must document their reasons.

An individual creditor cannot provide a direction to a liquidator.

Right to appoint a reviewing liquidator

Creditors, by resolution, may appoint a reviewing liquidator to review a liquidator's remuneration or a cost or expense incurred in a liquidation. The review is limited to:

- remuneration approved within the six months prior to the appointment of the reviewing liquidator, and
- expenses incurred in the 12 months prior to the appointment of the reviewing liquidator.

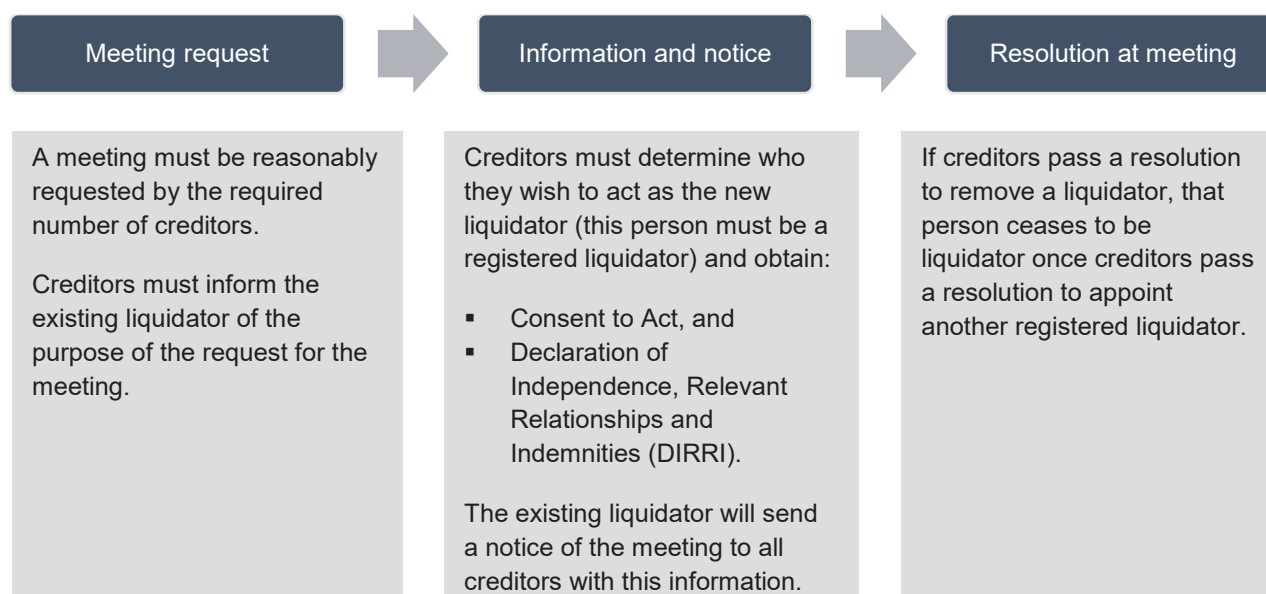
The cost of the reviewing liquidator is paid from the assets of the liquidation, in priority to creditor claims.

An individual creditor can appoint a reviewing liquidator with the liquidator's consent, however the cost of this reviewing liquidator must be met personally by the creditor making the appointment.

Right to replace liquidator

Creditors, by resolution, have the right to remove a liquidator and appoint another registered liquidator.

For this to happen, there are certain requirements that must be complied with:



**For more information, go to www.arita.com.au/creditors.
Specific queries about the liquidation should be directed to the liquidator's office.**



Appendix D





Voyager Resort Limited (In Liquidation)

ACN 010 547 618

INITIAL REMUNERATION NOTICE

The purpose of the Initial Remuneration Notice is to provide you with information about how we propose our remuneration for undertaking the administration will be set.

1. Remuneration Methods

There are four basic methods that can be used to calculate the remuneration charged by an insolvency practitioner. They are:

Time based / hourly rates

This is the most common method. The total fee charged is based on the hourly rate charged for each person who carried out the work multiplied by the number of hours spent by each person on each of the tasks performed.

Fixed Fee

The total fee charged is normally quoted at the commencement of the administration and is the total cost for the administration. Sometimes a practitioner will finalise an administration for a fixed fee.

Percentage

The total fee charged is based on a percentage of a particular variable, such as the gross proceeds of assets realisations.

Contingency

The fee is structured to be contingent on a particular outcome being achieved.

2. Method Chosen

Given the nature of this administration, we propose that our remuneration be calculated on a time basis. This is because:

- It ensures that creditors and members are only charged for work that is performed.
- The Liquidators are required to perform a number of tasks which do not relate to the realisation of assets, for example responding to creditor enquiries, reporting to ASIC, distributing funds in accordance with the provisions of the *Corporations Act 2001*.
- The Liquidators are unable to estimate with certainty the total amount of fees necessary to complete all tasks required in the administration.
- The Liquidators have a time recording system that can produce a detailed analysis of time spent on each type of task by each individual staff member utilised in the administration.
- Time based remuneration calculates fees upon a basis of time spent at the level appropriate to the work performed.
- The method provides full accountability in the method of calculation.



3. Explanation of Hourly Rates

The rates for our remuneration calculation are set out in **Appendix E** together with a general guide showing the qualifications and experience of staff engaged in the administration and the role they take in the administration. The hourly rates charged encompass the total cost of providing professional services and should not be compared to an hourly wage.

4. Estimated Remuneration

We estimated that the administration would cost \$30,000 to \$50,000 (excluding GST) to complete, subject to the variables which the Liquidators are unable to determine at this early stage in the administration but, may have a significant effect on the estimate including:

- the size and complexity of the administration;
- the availability and completeness of books and records;
- the extent and nature of assets or voidable transaction identified; and
- the volume of enquiries by creditors and other stakeholders.

5. Disbursements

Disbursements are divided into three types:

- **External professional services** - these are recovered at cost. An example of an externally provided professional service disbursement is legal fees. It does not include insolvency services, as insolvency services are claimed as remuneration.
- **External non-professional costs** - these are recovered at cost. Examples of external non-professional expenses include travel, accommodation and search fees.
- **Firm non-professional costs** - such as photocopying, printing and postage. These costs, if charged to the administration, would generally be charged at cost; though some expenses such as photocopying, document storage and printing may be charged at a rate which recoups both variable and fixed costs. The recovery of these costs must be on a reasonable commercial basis.

We are not required to seek creditor approval for expenses paid to third parties or for disbursements where we are recovering a cost incurred on behalf of the administration, but we must account to creditors. We must be satisfied that these expenses and disbursements are appropriate, justified and reasonable.

The Liquidators are required to obtain creditors' consent for the payment of a disbursements where we, or a related entity, may directly or indirectly obtain a profit. In these circumstances, creditors will be asked to approve our disbursements prior to these disbursements being paid from the administration.

Details of the basis of recovering disbursements in this administration are provided below.



Basis of disbursement claim

Disbursements	Rate (GST Exclusive)
External Professional Services	At Cost
External Non-Professional Services	At Cost
Firm Non-Professional Costs	
Archive of Administration Records	\$100.00 per folder
ASIC - IFM Levy	\$150.00 per metric event (or as published from time to time by ASIC)
Facsimiles	\$0.50 per page
Photocopying	\$0.75 per page
Travel (staff vehicle use)	\$0.68 per kilometer
Stationery	At Cost
Storage and Destruction	At Cost
Storage Retrieval and Refile	At Cost
Postage (including express & registered envelopes)	At Cost

**Rates applicable for financial year ending 30 June 2023*

Dated: 30th day of May 2023.



Appendix E





Pilot Partners - Restructuring Hourly Firm Rates

We have summarised below the rates we, our partners and staff charge:

Description of Staff Member	Description of Level of Experience	Rate \$/Hour (Excl GST) Effective 1 March 2023
Appointee / Director	Director/Trustee/Registered Liquidator leading the assignment with full responsibility for strategy and execution. Director of Pilot bringing his or her specialist skills to the administration.	670
Associate Director	More than 10 years of experience in restructuring or a related discipline and at least 7 years at manager level. Accountable to the Director/Appointee but otherwise capable of controlling all aspects of an administration. May be appropriately qualified to take appointments in his/her own right.	550
Senior Manager	More than 10 years of experience in restructuring or a related discipline and at least 5 years at manager level. Accountable to the Appointee but otherwise capable of controlling all aspects of an administration. May be appropriately qualified to take appointments in his/her own right.	495
Manager 1	More than 7 years experience in restructuring or a related discipline. Generally will have completed the ARITA Education Program. Will have conduct of small to large administrations and is experienced in managing staff and workflow.	450
Manager 2	More than 5 years experience in restructuring or a related discipline. Generally will have completed the ARITA Education Program. Will have conduct of small to large administrations and is experienced in managing staff and workflow.	410
Supervisor	More than 4 years experience in restructuring or a related discipline. Generally will be CA qualified and will be undertaking the ARITA Education Program. Will have conduct of minor administrations and capable of managing 1-3 staff and workflow. Assists in planning and control of medium to larger jobs.	360
Senior 1	More than 3 years experience in restructuring or a related discipline. Generally the CA program will be completed during this period. Assists planning and control of small to medium sized jobs as well as performing some of the more difficult work on larger jobs.	330
Senior 2	More than 2 years experience in restructuring or a related discipline. Generally the CA program will be undertaken during this period. Assists planning and control of small jobs as well as performing some of the more difficult work on larger jobs.	300
Intermediate	More than 1 years experience in restructuring or a related discipline. Generally the CA program will be being undertaken during this period. Assists in day-to-day work under supervision of more senior staff.	270
Accountant	Generally a Graduate with limited or no professional or restructuring experience. Generally the CA program will be commenced in this period. Assists in day-to-day work under supervision of more senior staff.	250
Undergraduate	Generally an undergraduate who plans to undertake relevant study at least on a part-time basis. Assists in day-to-day work under supervision of more senior staff.	220
Administrator	Appropriately experienced support staff undertaking functions such as IT support, secretarial support, use of computer applications, books and records management and maintaining banking and accounting records on administrations.	180
Junior	Appropriately experienced support staff undertaking functions such as secretarial support.	125

The hourly rates used by us and the partners and staff of Pilot Partners reflect our own particular cost structure, the risks associated with the work undertaken and the type of administration being carried on by us. Our scale of hourly rates recognise the nature of the work, the extent and urgency of the work, the degree of skill required and the degree of responsibility undertaken.

Our firm rates change from time to time (usually annually) to reflect increased costs of operating.



Appendix F



Australian Company Number: 010 547 618

Subregulation 5.6.49(2)

FORM 535
Corporations Act 2001
FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidators of Voyager Resort Limited (In Liquidation)

1. This is to state that the company was on 2 May 2023, and still is, justly and truly indebted to

..... (**name of creditor**) for
\$.....(**amount**).

Particulars of the debt are:

Date	Consideration (state how the debt rose)	Amount (\$)	Remarks (include details of voucher substantiating payment)

☐ I am **not** a related creditor of the company.

☐ I am a related creditor of the company.
Relationship:

2. To my/our knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following:

Date	Drawer	Acceptor	Amount (\$)	Due Date

3. Do not complete this section if this proof is made by the creditor personally.

<input type="checkbox"/>	I/We are employed by the creditor and authorised in writing by the creditor to make this statement. I/We know that the debt was incurred for the consideration stated and that the debt, to the best of my/our knowledge and belief, remains unpaid and unsatisfied.
<input type="checkbox"/>	I/We are the creditor's agent authorised in writing to make this statement in writing. I/We know that the debt was incurred for the consideration stated and that the debt, to the best of my/our knowledge and belief, remains unpaid and unsatisfied.

4. I/We have attached the following documents (tick as many as appropriate):

<input type="checkbox"/> Invoices	<input type="checkbox"/> Letters of Demand	<input type="checkbox"/> Guarantee from company
<input type="checkbox"/> Monthly Statements	<input type="checkbox"/> Orders from company	<input type="checkbox"/> Credit Application
<input type="checkbox"/> Judgement from Court	<input type="checkbox"/> Statutory Demand	<input type="checkbox"/> Other documents

Date:/...../.....

Name:

Address:

Phone:

Email:

Signature:

How to complete a Proof of Debt or Claim (Form 535)

It is a creditor's responsibility to prove their claim to our satisfaction. When lodging a Proof of Debt, creditors should make sure that:

- The Proof of Debt or Claim (Form 535) is fully completed; and
- Substantiating documents, as described below, are attached.

A. Directions for completing a Proof of Debt (Form 535)

1. Insert full name and the amount you are owed (inclusive of GST). Complete the table at 1. with the following information:

Table Heading	Details
Date	Insert the date the debt arose
Consideration	Explain how the debt arose (e.g. "goods/services provided")
Amount	Include the total amounts owed to you (inclusive of GST)
Remarks	Provide details of the substantiating documentation you have attached (refer to 4. of the form for examples of documents)

Tick related creditor if you are the director, relative of director, related company, beneficiary of a related trust.

2. Leave this section blank, unless you are a secured creditor and hold security over the company's asset(s).
3. If you are completing the Form 535 for a debt owed to you personally, do not complete this section. Proceed to 4.

If you are completing the Form 535 on behalf of a creditor, please mark where relevant.

4. Please mark where appropriate and ensure you attach full supporting documentation to prove your claim.
5. Date the form and complete your contact details on the form.

B. What do you need to attach?

Please provide sufficient documentary evidence to substantiate your claim. Outlined below are some examples of documents to attach to your Form 535:

Trade Creditors	Employees	Leases	Guarantees/Indemnities
<ul style="list-style-type: none"> • Invoices/statements • Purchase orders • Delivery documents • Agreements on terms of trade 	<ul style="list-style-type: none"> • Calculation of the debt • Type of claim (wages, annual leave, superannuation, etc) • Contract of employment (if any) • Any relevant correspondence 	<ul style="list-style-type: none"> • Lease agreement • Statement showing outstanding debt owed differentiating between amounts outstanding prior to the date of appointment and any amounts due in the future 	<ul style="list-style-type: none"> • Executed guarantee/indemnity • Notice of Demand issued to the guarantor • Calculation of the amount owed under the guarantee/indemnity
Loans	Judgement Debt	Deficiency on Secured Debt	
<ul style="list-style-type: none"> • Executed loan agreement • Loan statements showing payments made, interest accrued and amount outstanding as at the date of appointment 	<ul style="list-style-type: none"> • Copy of the judgement • Documents to support the debt owed 	<ul style="list-style-type: none"> • Security document(s) • Basis of the creditor's estimated value of the security or valuation • Calculation of the deficiency on the security 	

Please return a copy of your completed Form 535 with substantiating documents to our office by email, facsimile or post.



Appendix G



*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

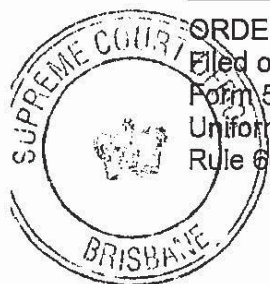
Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

THE ORDER OF THE COURT IS THAT:

1. Service is deemed to have been effected on:
 - (a) the One Hundred and Fourth Respondent;
 - (b) the One Hundred and Forty Eighth Respondent;
 - (c) the One Hundred and Seventy Seventh Respondent;
 - (d) the Two Hundred and Forty Second Respondent;
 - (e) the Two Hundred and Ninety Seventh Respondent;
 - (f) the Three Hundred and Thirty Second Respondent;
 - (g) the Four Hundred and Eleventh Respondent;
 - (h) the Six Hundred and Fifty Seventh Respondent;

**ORDER**

Filed on behalf of the Applicant
Form 59, Version 1
Uniform Civil Procedure Rules 1999
Rule 661

Mahoneys
Level 18, 167 Eagle Street
Brisbane Qld 4000
Tel: 07 3007 3777
Fax: 07 3007 3778
Ref: 25203

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- (i) the Six Hundred and Seventy Third Respondent;
 - (j) the Eight Hundred and Sixty Fourth Respondent;
 - (k) the Nine Hundred and Eighth Respondent;
 - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
 3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
 4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
 5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
 6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

THE COURT DIRECTS THAT:

7. The Trustees:
 - (a) keep proper books of account in relation to all amounts received or expended by them;
 - (b) take out and maintain appropriate insurance;
 - (c) shall not be entitled to any remuneration;
 - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.

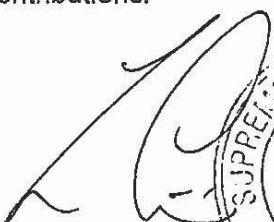
- 3 -

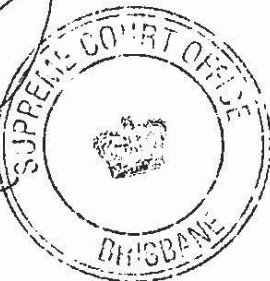
8. The Trustees may sell all Lots jointly:
 - (a) and so that they settle simultaneously;
 - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
 - (a) First, in discharge of any valid encumbrance over the title to the Property;
 - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
 - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
 - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
 - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
 - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
 - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
 - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
 - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
 - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
 - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
 - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

- 4 -

debt due and owing to the applicant on account of any unpaid contributions.

Signed:


Deputy Registrar





Appendix H



Duplicate**SUPREME COURT OF QUEENSLAND**REGISTRY: BRISBANE
NUMBER: BS15269/22


Applicant: **Geoffrey Graeme Heaton**
and
Respondent: **Alan Skelton & Ors**

ORDER

Before: Justice Freeburn
Date: 2 May 2023
Initiating document: Originating Application filed 6 December 2022

THE ORDER OF THE COURT IS THAT:

1. Pursuant to Section 461(k) of the *Corporations Act*, Voyager Resort Ltd ACN 010 547 618 be wound up and that Bradley Vincent Hallen and Nigel Markey be appointed as joint and several liquidators of that company.
2. The costs of the application of Geoffrey Graeme Heaton, Geoffrey Phillip Walters and Angela Julian-Armitage be paid out of the assets of Voyager Resort Ltd (ACN 101 547 618) on the indemnity basis.

Signed: 
Deputy Registrar

**ORDER**

Filed on behalf of the Applicant
Form 59, Version 1
Uniform Civil Procedure Rules 1999
Rule 661

MILLS OAKLEY

Level 23, 66 Eagle Street
BRISBANE QLD 4000
Phone No: +61 7 3228 0400
Fax No: +61 7 3012 8777
Ref: 9336914



**Voyager Resort Limited
(In Liquidation)
ACN 010 547 618
(the "Company")**

STATUTORY REPORT TO CREDITORS

Appointees:

Mr Bradley Vincent Hellen and
Mr Nigel Robert Markey
Pilot Partners

Contact:

voyager@pilotpartners.com.au
(07) 3023 1300

Date: 1st day of August 2023





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1. SUMMARY	3
2. COMPANY INFORMATION	4
3. RECOVERABLE TRANSACTIONS AND OFFENCES	7
4. LIKELY RETURN TO CREDITORS	8
5. COSTS OF THE ADMINISTRATION	9
6. WHAT HAPPENS NEXT?	10

Appendices	Document Description
A	ARITA Information Sheet which provides a summary of offences, recoverable transactions and insolvent trading
B	Summary of Liquidator's Receipts and Payments
C	Proof of Debt (Form 535)
D	Court Order – Appointment of Statutory Trustees



Section | ONE

1. SUMMARY

On 2 May 2023, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey were appointed Liquidators of the Company by Order of the Supreme Court of Queensland. This order was made pursuant to the application from Mr Geoffrey Heaton, a Director of the Company, that the Company be wound up on just and equitable ground under section 461(k) of the *Corporations Act 2001*.

We refer to our initial report to creditors dated 30 May 2023 in which you were provided with information regarding your rights as a creditor in the administration and background surrounding the company.

The purpose of this report is to:

- provide you with an update on the progress of the liquidation; and
- advise you of the likelihood of a dividend being paid in the liquidation.

At this stage, we do not intend to convene a meeting of creditors.

The estimated return to creditors as set out in this report is summarised below:

	Best Case	Worst Case
Unsecured Creditors	100 cents in the dollar	100 cents in the dollar

We expect to have this administration completed within 12 months.

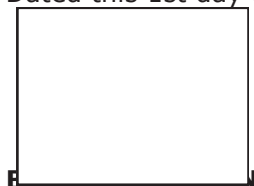
We do not intend on reporting to creditors again in this administration unless investigations warrant a further report.

Can I contact the Liquidator?

Should you have any queries, have information that may assist the Liquidators in any investigations, please do not hesitate to contact our office.

	Details
Phone:	(07) 3023 1300
Email:	voyager@pilotpartners.com.au

Dated this 1st day of August 2023.



JOINT & SEVERAL LIQUIDATOR



Section | TWO

2. COMPANY INFORMATION

2.1 Background Information

Date of Incorporation:	23 November 1984	
Director(s) Name	Date Appointed	Date Ceased
Geoffrey Graeme Heaton	4 November 2017	Current
Geoffrey Phillip Walters	4 November 2017	Current
Angela Julian-Armitage	4 November 2017	Current
Peter Humphrey Firkins	20 July 2019	Current
Shares Issued		
At the date of our appointment, the ASIC company register indicates 3,116 ordinary shares had been issued at \$1 each.		
The Company's records indicate as at 31 December 2022, issued capital included 1,941 shares at \$1 each.		
The shareholdings in the Company will be investigated by the Liquidators.		
Trading Names:	Voyager Resort	
Business:	The principal activity was managing and maintaining the Voyager Resort timeshare accommodation.	
Principal Place of Business	The business operated from 167 Old Burleigh Road, Broadbeach QLD 4218.	
Trading Status	The Directors have advised the Company ceased trading on 16 December 2022 when the property was sold.	

2.2 Reason for Winding Up

The Company was created for the purpose of managing the voyager resort timeshare. As the building has now been sold, the Company is no longer required and is being dissolved so funds can be returned to its members.

The Directors subsequently applied to the court to wind up the Company on just and equitable grounds so that it could be dissolved.



2.3 Sale of the Voyager Resort Building

The Supreme Court of Queensland on 25 March 2022 appointed Statutory Trustees Geoffrey Graeme Heaton, Geoffrey Phillip Walters and Angela Julian-Armitage to sell the Voyager Resort building located at 167 Old Burleigh Road, Broadbeach. A copy of the Court Order is attached as **Appendix D**.

The sale completed in December 2022 and has since settled for \$45,001,680. The business operated by the Company was also sold in conjunction with the sale of the building for \$300,000.

2.4 Company Assets and Liabilities

The Directors are required to submit to the Liquidators a Report on Company Activities and Property ("ROCAP") of the Company in the prescribed form and deliver up any books and records of the Company. The ROCAP sets out the Company's financial position to the best of the directors' knowledge and beliefs as at the date of liquidation.

ROCAP's have been received from all Directors.

These reports are summarised below. The Liquidators have provided this information to assist in understanding the Company's affairs.

	Notes	Directors' ERV* \$	Liquidators' ERV* \$
Assets			
Cash at Bank	1	3,338,481	3,338,481
Debtors	2	2,000,000	Unknown
Security Bond	3	20,000	20,000
Distribution from Statutory Trustees	4	15,200,000	Unknown
Foreign Resident Capital Gains Withholding	5	-	Unknown
Liabilities			
Unsecured Creditors	6	3,613	6,587
Net Surplus/(deficiency)		Unknown	Unknown

**Estimated Realisable Value.*

1. Cash at Bank

As at the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment. The funds are in the control of the liquidator and are currently bearing interest.



2. Debtors

As at the date of our appointment the Company's records disclosed debtors of \$5,027,852. This amount represents unpaid levies owed to the Company by Lot owners.

We have issued demand notices to the outstanding debtors in an attempt to recover any outstanding duties. Any duties not recovered by the Liquidator, will be paid by the Statutory Trustees to the Company after being deducted from the distribution to the relevant owners, pursuant to paragraph 11 of the Court Order attached as **Appendix D**.

3. Security Bond

The Company recently ceased to hold an AFS licence and Australian Securities and Investments Commission ("ASIC") holds a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

We have lodged the appropriate forms with ASIC to discharge the security bond and recover the funds.

4. Distribution from Statutory Trustees

As mentioned in our initial report, Pilot Partners are assisting the Statutory Trustees with their distribution of the sale proceeds from the sale of the Voyager Resort building.

A significant distribution is expected to be received from the Statutory Trustees for the Lots the Company held ownership of.

This amount is yet to be calculated, however the Directors have estimated approximately \$15,200,000 will be received by the Company.

5. Foreign Resident Capital Gains Withholding ("FRCGW")

The Company is be required to lodge a Company Tax Return for the 2023 financial year. A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. A tax return is required to be lodged in order to claim a refund of the FRCGW.

The amount of any refund is yet to be determined and is dependent on any outstanding tax liabilities the Company may have incurred.

We are currently in the process of preparing the Company's tax return so that it can be lodged with the Australian Tax office.

6. Unsecured Creditors

As at the date of our appointment, the Company's records disclosed creditors of \$3,613.

The exact amount due to unsecured creditors will not be determined until such time as all creditors have lodged their Proof of Debt and the process of adjudication has been completed.



Section | THREE

3. RECOVERABLE TRANSACTIONS AND OFFENCES

Attached as **Appendix A** is an information sheet prepared by ARITA which provides a summary of offences, recoverable transactions and insolvent trading.

3.1 Possible recoverable transactions

The Liquidators' investigations into the Company's affairs include determining whether the Company has entered into any recoverable transactions. Possible recoverable transactions generally occur when the company was insolvent at the time of a transaction.

The Company appears to have been solvent prior to an on our appointment and appears to have sufficient funds to meet all creditors' claims. Therefore, we do not expect to discover any possible recoverable transactions. We will only investigate this matter further if new information becomes available.

3.2 Insolvent trading

The Liquidators' investigations into the Company's affairs include determining whether the Company has been trading while insolvent.

The Company appears to be solvent as at the date of our appointment, therefore we will not investigate this matter further unless new information comes to light.

3.3 Recovery action to be taken

Before any further action can be taken the following matters are to be given consideration:

- the likely costs associated with taking further action;
- the assets available in the administration to fund any action;
- alternative sources of funding;
- the financial ability of the defending party to settle any claim; and
- the extent and reliability of the books and records of the Company and/or other information available to support the claim.

At this stage, we have not identified any possible recoverable transactions.

If any creditor is aware of matters relating to the past dealings of the Company that may assist the Liquidators' investigations or should any creditor wish to discuss the possibility of funding further detailed investigations please contact this office.

3.4 Offences

The Liquidators will review available information to determine whether a past or present officer of the Company may have been guilty of any offences. At this stage, the Liquidators have not identified any material offences, however our investigations are continuing. Should we identify any offences requiring the attention of creditors, we will report to creditors further.



Section | FOUR

4. LIKELY RETURN TO CREDITORS

4.1 Realisations in Administration

Attached at **Appendix B** are details of all receipts and payments in the administration to date.

4.2 Likelihood of a Dividend

Based on the information currently available, we anticipate the following return to creditors:

	Best Case	Worst Case
Unsecured Creditors	100 cents in the dollar	100 cents in the dollar

4.3 Making a Claim

Should you wish to make a claim in the administration please complete and return to this office a Proof of Debt or Claim form, attached as **Appendix C**. When lodging your claim, please include any supporting documentation.

Please send completed forms to voyager@pilotpartners.com.au



Section | FIVE

5. COSTS OF THE ADMINISTRATION

An Initial Remuneration Notice setting out an estimate of our remuneration was included with our initial report dated 30 May 2023. This document provided you with information about how we propose to be paid for undertaking the Liquidation.

Our initial estimate of the costs of the administration was \$30,000 to \$50,000 (excluding GST) depending on matters arising. We will exceed this estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from shareholders;
- Verification around shareholdings and the Lot title interests;
- Correspondence with ASIC regarding the release of their bond; and
- Preparation and investigations into the Company's tax liabilities.

The Liquidators' remuneration requires either:

- a) approval of the creditors; or
- b) approval of the court

We will provide creditors updates on our costs as the matter progresses.



Section | SIX

6. WHAT HAPPENS NEXT?

The Liquidators will proceed with the administration, including where applicable:

- realising the assets including;
 - distribution from the Statutory Trustees
 - security bonds;
 - cash at bank;
 - debtors; and
 - any other asset of the company.
- recovering any further available property or recoverable transactions;
- preparing and lodging final income tax returns;
- assisting the Statutory Trustees in calculating and distributing funds to Lot owners;
- liaising and dealing with shareholder and creditors enquiries;
- completing investigations into the Company's affairs;
- preparing and distributing the Company funds to creditors and members;
- completing any further reporting to the corporate insolvency regulator, ASIC; and
- any other matters relevant to the liquidation.

If a request for a meeting is received that complies with the guidelines set out in our initial report to you the Liquidators will convene a meeting of creditors.

We expect to have this administration completed within 12 months.

We do not intend on reporting to creditors again in this administration unless investigations warrant a further report.

6.1 Where can you get more information?

The Australian Restructuring Insolvency and Turnaround Association (ARITA) provides information to assist creditors with understanding liquidations and insolvency. This information is available from ARITA's website at arita.com.au/creditors.

ASIC also provides information sheets on a range of insolvency topics. These information sheets can be accessed on ASIC's website at asic.gov.au (search for "insolvency information sheets").

6.2 Privacy

You should note that this appointment is likely to involve the collection of personal information in connection with the insolvent and its stakeholders. Please refer to www.pilotpartners.com.au for details of Pilot's Privacy Policy.



Appendix A



Voluntary Administration

Creditor Information Sheet

Offences, Recoverable Transactions and Insolvent Trading



Offences

A summary of offences under the Corporations Act that may be identified by the administrator:

180	Failure by company officers to exercise a reasonable degree of care and diligence in the exercise of their powers and the discharge of their duties.
181	Failure to act in good faith.
182	Making improper use of their position as an officer or employee, to gain, directly or indirectly, an advantage.
183	Making improper use of information acquired by virtue of the officer's position.
184	Reckless or intentional dishonesty in failing to exercise duties in good faith for a proper purpose. Use of position or information dishonestly to gain advantage or cause detriment. This can be a criminal offence.
198G	Performing or exercising a function or power as an officer while a company is under administration.
206A	Contravening a court order against taking part in the management of a corporation.
206A, B	Taking part in the management of corporation while being an insolvent, for example, while bankrupt.
206A, B	Acting as a director or promoter or taking part in the management of a company within five years after conviction or imprisonment for various offences.
209(3)	Dishonest failure to observe requirements on making loans to directors or related companies.
254T	Paying dividends except out of profits.
286	Failure to keep proper accounting records.
312	Obstruction of an auditor.
314-7	Failure to comply with requirements for the preparation of financial statements.
437D(5)	Unauthorised dealing with company's property during administration.
438B(4)	Failure by directors to assist administrator, deliver records and provide information.
438C(5)	Failure to deliver up books and records to the administrator.
588G	Incurring liabilities while insolvent
588GAB	Officer's duty to prevent creditor-defeating disposition
588GAC	A person must not procure a company to make a creditor-defeating disposition
590	Failure to disclose property, concealed or removed property, concealed a debt due to the company, altered books of the company, fraudulently obtained credit on behalf of the company, material omission from Report as to Affairs or false representation to creditors.
596AB	Entering into an agreement or transaction to avoid employee entitlements.

Recoverable Transactions

Preferences

A preference is a transaction, such as a payment by the company to a creditor, in which the creditor receiving the payment is preferred over the general body of creditors. The relevant period for the payment commences six months before the commencement of the liquidation. The company must have been insolvent at the time of the transaction, or become insolvent because of the transaction.

Where a creditor receives a preference, the payment is voidable as against a liquidator and is liable to be paid back to the liquidator subject to the creditor being able to successfully maintain any of the defences available to the creditor under the Corporations Act.

Creditor-defeating disposition

Creditor-defeating dispositions are the transfer of company assets for less than market value (or the best price reasonably obtainable) that prevents, hinders or significantly delay creditors' access to the company's assets in liquidation. Creditor-defeating dispositions are voidable by a liquidator.



Uncommercial Transaction

An uncommercial transaction is one that it may be expected that a reasonable person in the company's circumstances would not have entered into, having regard to the benefit or detriment to the company; the respective benefits to other parties; and any other relevant matter.

To be voidable, an uncommercial transaction must have occurred during the two years before the liquidation. However, if a related entity is a party to the transaction, the period is four years and if the intention of the transaction is to defeat creditors, the period is ten years. The company must have been insolvent at the time of the transaction, or become insolvent because of the transaction.

Unfair Loan

A loan is unfair if and only if the interest was extortionate when the loan was made or has since become extortionate. There is no time limit on unfair loans – they only must be entered into before the winding up began.

Arrangements to avoid employee entitlements

If an employee suffers loss because a person (including a director) enters into an arrangement or transaction to avoid the payment of employee entitlements, the liquidator or the employee may seek to recover compensation from that person or from members of a corporate group (Contribution Order).

Unreasonable payments to directors

Liquidators have the power to reclaim '*unreasonable payments*' made to directors by companies prior to liquidation. The provision relates to payments made to or on behalf of a director or close associate of a director. The transaction must have been unreasonable, and have been entered into during the 4 years leading up to a company's liquidation, regardless of its solvency at the time the transaction occurred.

Voidable charges

Certain charges over company property are voidable by a liquidator:

- circulating security interest created within six months of the liquidation, unless it secures a subsequent advance;
- unregistered security interests;
- security interests in favour of related parties who attempt to enforce the security within six months of its creation.

Insolvent trading

In the following circumstances, directors may be personally liable for insolvent trading by the company:

- a person is a director at the time a company incurs a debt;
- the company is insolvent at the time of incurring the debt or becomes insolvent because of incurring the debt;
- at the time the debt was incurred, there were reasonable grounds to suspect that the company was insolvent;
- the director was aware such grounds for suspicion existed; and
- a reasonable person in a like position would have been so aware.

The law provides that the liquidator, and in certain circumstances the creditor who suffered the loss, may recover from the director, an amount equal to the loss or damage suffered. Similar provisions exist to pursue holding companies for debts incurred by their subsidiaries.

A defence is available under the law where the director can establish:

- there were reasonable grounds to expect that the company was solvent and they did so expect;
- they did not take part in management for illness or some other good reason; or
- they took all reasonable steps to prevent the company incurring the debt.

The proceeds of any recovery for insolvent trading by a liquidator are available for distribution to the unsecured creditors before the secured creditors.

Important note: This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances.

Queries about the voluntary administration should be directed to the administrator's office.



Appendix B



Voyager Resort Limited (In Liquidation)
ACN 010 547 618
Receipts and Payments
For the period 2 May 2023 to 1 August 2023

	Amount (\$)
RECEIPTS	
Pre-Appointment Cash at Bank	2,590,920.46
Pre-Appointment Debtors	4,206.00
Interest Income	9,425.68
Total Receipts	<u>2,604,552.14</u>
PAYMENTS	
Legal Fees	89,064.06
Total Payments	<u>89,064.06</u>
Net Receipts and Payments	2,515,488.08
REPRESENTED BY:	
Cash at Bank as at 1 August 2023	2,515,488.08



Appendix C



Australian Company Number: 010 547 618

Subregulation 5.6.49(2)

FORM 535
Corporations Act 2001
FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

To the Liquidators of Voyager Resort Limited (In Liquidation)

1. This is to state that the company was on 2 May 2023, and still is, justly and truly indebted to

..... (**name of creditor**) for
\$.....(**amount**).

Particulars of the debt are:

Date	Consideration (state how the debt rose)	Amount (\$)	Remarks (include details of voucher substantiating payment)

☐ I am **not** a related creditor of the company.

☐ I am a related creditor of the company.
Relationship:

2. To my/our knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following:

Date	Drawer	Acceptor	Amount (\$)	Due Date

3. Do not complete this section if this proof is made by the creditor personally.

<input type="checkbox"/>	I/We are employed by the creditor and authorised in writing by the creditor to make this statement. I/We know that the debt was incurred for the consideration stated and that the debt, to the best of my/our knowledge and belief, remains unpaid and unsatisfied.
<input type="checkbox"/>	I/We are the creditor's agent authorised in writing to make this statement in writing. I/We know that the debt was incurred for the consideration stated and that the debt, to the best of my/our knowledge and belief, remains unpaid and unsatisfied.

4. I/We have attached the following documents (tick as many as appropriate):

<input type="checkbox"/> Invoices	<input type="checkbox"/> Letters of Demand	<input type="checkbox"/> Guarantee from company
<input type="checkbox"/> Monthly Statements	<input type="checkbox"/> Orders from company	<input type="checkbox"/> Credit Application
<input type="checkbox"/> Judgement from Court	<input type="checkbox"/> Statutory Demand	<input type="checkbox"/> Other documents

Date:/...../.....

Name:

Address:

Phone:

Email:

Signature:

How to complete a Proof of Debt or Claim (Form 535)

It is a creditor's responsibility to prove their claim to our satisfaction. When lodging a Proof of Debt, creditors should make sure that:

- The Proof of Debt or Claim (Form 535) is fully completed; and
- Substantiating documents, as described below, are attached.

A. Directions for completing a Proof of Debt (Form 535)

1. Insert full name and the amount you are owed (inclusive of GST). Complete the table at 1. with the following information:

Table Heading	Details
Date	Insert the date the debt arose
Consideration	Explain how the debt arose (e.g. "goods/services provided")
Amount	Include the total amounts owed to you (inclusive of GST)
Remarks	Provide details of the substantiating documentation you have attached (refer to 4. of the form for examples of documents)

Tick related creditor if you are the director, relative of director, related company, beneficiary of a related trust.

2. Leave this section blank, unless you are a secured creditor and hold security over the company's asset(s).
3. If you are completing the Form 535 for a debt owed to you personally, do not complete this section. Proceed to 4.

If you are completing the Form 535 on behalf of a creditor, please mark where relevant.

4. Please mark where appropriate and ensure you attach full supporting documentation to prove your claim.
5. Date the form and complete your contact details on the form.

B. What do you need to attach?

Please provide sufficient documentary evidence to substantiate your claim. Outlined below are some examples of documents to attach to your Form 535:

Trade Creditors	Employees	Leases	Guarantees/Indemnities
<ul style="list-style-type: none"> • Invoices/statements • Purchase orders • Delivery documents • Agreements on terms of trade 	<ul style="list-style-type: none"> • Calculation of the debt • Type of claim (wages, annual leave, superannuation, etc) • Contract of employment (if any) • Any relevant correspondence 	<ul style="list-style-type: none"> • Lease agreement • Statement showing outstanding debt owed differentiating between amounts outstanding prior to the date of appointment and any amounts due in the future 	<ul style="list-style-type: none"> • Executed guarantee/indemnity • Notice of Demand issued to the guarantor • Calculation of the amount owed under the guarantee/indemnity
Loans	Judgement Debt	Deficiency on Secured Debt	
<ul style="list-style-type: none"> • Executed loan agreement • Loan statements showing payments made, interest accrued and amount outstanding as at the date of appointment 	<ul style="list-style-type: none"> • Copy of the judgement • Documents to support the debt owed 	<ul style="list-style-type: none"> • Security document(s) • Basis of the creditor's estimated value of the security or valuation • Calculation of the deficiency on the security 	

Please return a copy of your completed Form 535 with substantiating documents to our office by email, facsimile or post.



Appendix D



*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

THE ORDER OF THE COURT IS THAT:

1. Service is deemed to have been effected on:
 - (a) the One Hundred and Fourth Respondent;
 - (b) the One Hundred and Forty Eighth Respondent;
 - (c) the One Hundred and Seventy Seventh Respondent;
 - (d) the Two Hundred and Forty Second Respondent;
 - (e) the Two Hundred and Ninety Seventh Respondent;
 - (f) the Three Hundred and Thirty Second Respondent;
 - (g) the Four Hundred and Eleventh Respondent;
 - (h) the Six Hundred and Fifty Seventh Respondent;

**ORDER**

Filed on behalf of the Applicant
Form 59, Version 1
Uniform Civil Procedure Rules 1999
Rule 661

Mahoneys
Level 18, 167 Eagle Street
Brisbane Qld 4000
Tel: 07 3007 3777
Fax: 07 3007 3778
Ref: 25203

- 2 -

- (i) the Six Hundred and Seventy Third Respondent;
 - (j) the Eight Hundred and Sixty Fourth Respondent;
 - (k) the Nine Hundred and Eighth Respondent;
 - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
 3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
 4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
 5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
 6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

THE COURT DIRECTS THAT:

7. The Trustees:
 - (a) keep proper books of account in relation to all amounts received or expended by them;
 - (b) take out and maintain appropriate insurance;
 - (c) shall not be entitled to any remuneration;
 - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.

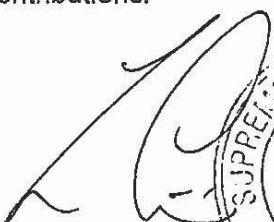
- 3 -

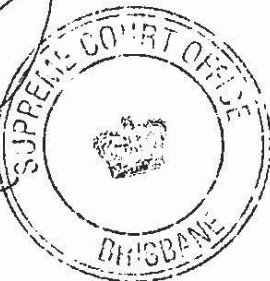
8. The Trustees may sell all Lots jointly:
 - (a) and so that they settle simultaneously;
 - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
 - (a) First, in discharge of any valid encumbrance over the title to the Property;
 - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
 - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
 - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
 - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
 - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
 - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
 - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
 - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
 - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
 - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
 - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

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debt due and owing to the applicant on account of any unpaid contributions.

Signed:


Deputy Registrar





YOUR BUSINESS NAVIGATOR

Voyager Resort Limited
(In Liquidation)
ACN 010 547 618
(the "Company")

Update to Lot Owners & Shareholders

Appointees:

Mr Bradley Vincent Hellen and
Mr Nigel Robert Markey
Pilot Partners

Contact:

voyager@pilotpartners.com.au

Date: 21st day of August, 2023





Contents

1. SUMMARY	3
2. STATUTORY TRUSTEES' DISTRIBUTION TO LOTHOLDERS	5
3. LIQUIDATORS' DISTRIBUTION TO SHAREHOLDERS	7
4. ESTIMATED TIMEFRAME OF FUTURE EVENTS	9
5. COSTS OF THE ADMINISTRATION	10
6. FREQUENTLY ASKED QUESTIONS – Updated 21 August 2023	11

Appendices	Document Description
A	Court Order – Appointment of Statutory Trustees
B	Summary of Herron Todd White Valuation Report
C	Summary of Liquidators' Receipts and Payments



Section | ONE

1. SUMMARY

On 2 May 2023, Mr Bradley Vincent Hellen and Mr Nigel Robert Markey were appointed Liquidators of the Company by Order of the Supreme Court of Queensland. This order was made pursuant to the application from Mr Geoffrey Heaton, a Director of the Company, that the Company be wound up on just and equitable ground under Section 461(k) of the *Corporations Act 2001*.

We refer to our initial report dated 30 May 2023 in which you were provided information regarding your role as a Shareholder in the administration and background surrounding the Company.

The purpose of this report is to provide you with an update on the progress of the liquidation and the distribution from the Statutory Trustees ("the Trustees").

We are currently verifying the list of Lot Owners with the Trustees so the distribution from the Trustees can be paid. We have reviewed 2,013 Title Searches and identified approximately 76 discrepancies to the Company's list of Lot Owners. These discrepancies are discussed further at Section 2 of this report. We are working with the Trustees to resolve these discrepancies however payment cannot be made to Lot Owners until all discrepancies have been resolved.

What's next?

At Section 4 of this report, we have detailed the estimated timeframes for both distributions.

Please remain patient while we attend to the matters addressed throughout this report. The Liquidators will contact you in due course to confirm your details for payment.

Can I contact the Liquidator?

An updated list of Frequently Asked Questions can be found at Section 6 of this report.

We have been receiving a significant number of queries from Shareholders and Lot Owners since our appointment. Significant time has been spent responding to these queries. Please ensure you read this report before contacting the Liquidators.

We intend to issue regular updates to Lot Owners and Shareholders throughout this process.



Should you have any further queries or have information that may assist the Liquidators' in any investigations, please contact our office.

	Details
Email:	voyager@pilotpartners.com.au

Dated this 21st day of August, 2023.

A handwritten signature in black ink, appearing to read "Bradley Hellen", written over a horizontal line.

BRADLEY HELLEN
JOINT & SEVERAL LIQUIDATOR



Section | TWO

2. STATUTORY TRUSTEES' DISTRIBUTION TO LOTHOLDERS

Work performed to date

Work performed by Pilot Partners in relation to the distribution from the Trustees includes:

- Verification of Lot Owners against 2,094 Title Searches, reviewing title reference numbers, Lot numbers, registered owners, interests held, type of interest and other matters for each Title Search;
- Identifying, investigating and compiling a list of over 76 discrepancies between the Title Searches and the list of Lot Owners;
- Reviewing each discrepancy with the Trustees in detail;
- Investigating enquiries from Lot Owners regarding their lot holding and incorporating into the verified list of Lot Owners;
- Creation of distribution calculation template;
- Various meetings and discussions held between the Liquidators and the Trustees regarding the above; and
- Reviewing and responding to general enquiries received from Lot Owners.

Verifying Lot Owners

The Company's Articles of Association intended for Lot Owners to own one share in the Company for each 1/51 Lot entitlement owned. The list of Lot Owners should therefore agree to the list of Shareholders, however this is not the case.

To ensure payment to the correct Lot Owners, the Trustees and Liquidators agreed Lot Owners should be verified against the Queensland Land Titles Registry. We have reviewed 2,094 individual Title Searches and identified over 76 discrepancies between the Title Searches and the list of Lot Owners held by the Company.

Examples of the discrepancies identified include:

- One owner recognised in the original Lot Owner listing where joint interests are held by more than one party;
- Interests surrendered to the Company by Lot Owners where the property title has not been transferred correctly;
- Interests held in half-weeks in various Lots, rather than full weeks as originally expected;
- Other discrepancies unique to each case.

We are currently working with the Trustees to investigate and resolve these discrepancies, however each issue is unique therefore this process takes time.



Distribution calculation

The Court Order dated 25 March 2022 ("the Order") (attached as **Appendix A**), which dictates how the sale proceeds are to be distributed by the Trustees, requires the attributed value for each Lot (determined by an independent valuer) to be divided into 51 shares. There are 11 Lots where half weeks (1/102 interest within the Lot) exist, resulting in more than 51 interests within the Lot as contemplated by the Order.

As a consequence, the distribution calculation within the Order causes more funds to be distributed than are available. Legal advice may need to be sought to address this issue and ensure the distribution to Lot Owners is paid in compliance with the Order.

Distribution amount

Due to the above issues, we are unable to provide an estimate of the distribution to be paid to Lot Owners at this stage.

Lot valuation

The Trustees were required to engage a valuer to prepare a Valuation Report for Lots 3 to 62 of the Voyager Resort a summary of those values attributed by Heron Todd White is at **Appendix B**.

Portal creation

To ensure the bank account details of Lot Owners and Shareholders can be verified securely, we have engaged an external consultant to create an online portal to facilitate the verification process.

The portal is currently in testing phase and awaiting the finalised list of Lot Owners before it can be launched. This portal will also be used to facilitate the verification of Lot Owner and Shareholder details.

Future work required

Further work to be completed before the Trustees' distribution can be paid includes:

- Finalising the verification of Lot Owners to Title Searches;
- Final calculation of the distribution;
- Preparation of distribution statements;
- Finalise the online portal that will host bank account verifications; and
- Verify bank account details of Lot Owners.



Section | THREE

3. LIQUIDATORS' DISTRIBUTION TO SHAREHOLDERS

Verifying Shareholders

In the previous section we referred to discrepancies between the list of Lot Owners and list of Shareholders. We are working through these discrepancies in order to finalise the list of Shareholders of the Company.

Our initial report referred to a number of shares the Company erroneously purchased in itself, when acquiring lots within the Voyager Resort. The Shareholders list will also be corrected for these errors once we have all of the relevant information.

The previously mentioned online portal will be used to verify bank details of Shareholders for payment. Once the list of Shareholders is verified, we will commence this process.

The Liquidators have also attended to the below matters.

Creditors

On 1 August 2023, the Liquidators issued a Statutory Report to Creditors of the Company. Once all creditor claims have been received and adjudicated, the Liquidators will pay a dividend to creditors. At this stage, the estimated total claims are \$6,587 and a full return to creditors is expected.

Debtors

There are significant unpaid levies owed to the Company by Lot Owners. We have issued demand notices to those Lot Owners with outstanding balances in an attempt to recover any outstanding levies.

Any levies not recovered by the Liquidator via the above process, will be deducted from the distribution to the relevant Lot Owners, pursuant to paragraph 11 of the Order (attached as **Appendix B**).

Any unpaid levies which remain outstanding after this process, i.e. exceeding the Trustees' distribution available to the relevant Lot Owners, are likely to be uncommercial to recover.

Taxation matters

We are currently in the process of preparing the Company's tax return for lodgement with the Australian Taxation Office ("ATO").

A number of the Lot entitlements owned by the Company were subject to Foreign Resident Capital Gains Withholding ("FRCGW"). The tax return will enable the FRCGW to be offset against any tax payable.



Once the tax return has been lodged, the Liquidators will also be required to seek clearance from the ATO prior to any distribution of funds to Shareholders.

Other Assets

The funds previously held with the Bank of Queensland are now in the control of the Liquidators and are currently earning interest.

As mentioned in our initial report, the Company holds a security bond with the Australian Securities and Investments Commission ("ASIC"), relating to an Australian Financial Services Licence which has ceased to be held. We have lodged the appropriate ASIC forms to recover this bond, which is currently held with the Australia and New Zealand Bank.

Applicant Costs

The Court Order appointing the Liquidators required the applicant's legal costs for the action be paid by the Company on an indemnity basis. We have now paid these legal costs.

Responding to Enquiries

A significant number of enquiries have been received from Shareholders and Lot Owners regarding both distributions to date. The majority of these enquiries relate to matters that were addressed in our previous report.

We intend to provide regular updates to Shareholders and Lot Owners, as Liquidators and on behalf of the Trustees, throughout this process.

In order to reduce costs, we request that you only contact the Liquidators and Trustees if your enquiry has not already been addressed in our reports issued to date.

Summary of Receipts and Payments

A summary of the receipts and payments within the administration to date is attached as **Appendix C**. An updated summary of receipts and payments will be issued upon payment of the distribution to Shareholders.

Section | FOUR

4. ESTIMATED TIMEFRAME OF FUTURE EVENTS

Our estimated timeframe of future events is shown below. At this stage, we believe this timeframe is reasonable however as we progress, additional issues may arise and delay this timeframe.

We intend to issue regular reports to Lot Owners and Shareholders to keep them informed throughout this process.

Step	Action	Who	Estimated Timing	Comment
1	Confirm discrepancies between Title Searches and Lot Owner listing	Liquidators/ Trustees	Current	Liquidators and Trustees are currently working on these issues.
2	Verify payment details of Lot Owners using online portal	Liquidators/ Technology provider	Mid September	
3	Advertisement prior to distribution to Lot Owners	Trustees	Mid September	
4	Distribution to Lot Owners paid by Trustees	Liquidators/ Trustees	Mid October 2023	
5	Dividend Notice issued	Liquidators	Mid October 2023	
6	Dividend to Shareholders paid by Company	Liquidators	Mid December 2023	



Section | FIVE

5. COSTS OF THE ADMINISTRATION

An Initial Remuneration Notice setting out an estimate of our remuneration was included with our initial report dated 30 May 2023. This document provided you with information about how we propose to be paid for undertaking the administration.

Our initial estimate of the costs of the administration was \$30,000 to \$50,000 (excluding GST) depending on matters arising. We will exceed this estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from Shareholders;
- Verification around shareholdings and Lot title interests;
- Correspondence with ASIC regarding the release of their bond; and
- Preparation and investigations into the Company's tax liabilities.

The Liquidators' remuneration requires either:

- a) Approval of the creditors; or
- b) Approval of the court



Section | SIX

6. FREQUENTLY ASKED QUESTIONS – Updated 21 August 2023

What do I need to do?

Please wait for the Liquidators to provide further directions.

The Liquidators will contact you to confirm your details for payment once a distribution can be paid.

Please notify the Liquidator's office of any change to your contact details.

What is the Liquidators' role?

The Liquidators' function is to identify and secure assets of the Company and distribute them to the creditors and shareholders. The largest asset of the Company is the distribution due from the Trustees for Lots owned by the Company within the property.

What is the Statutory Trustees' role?

The Trustees are required to distribute the net sale proceeds of the Voyager Resort to Lot Owners as dictated by paragraph 11 of the Court Order, attached as **Appendix A**. The Liquidators have been engaged by the Trustees to assist with calculating and paying these funds.

When will I receive my money?

There are a number of discrepancies that must be resolved prior to a distribution being paid from the Trustees. These are discussed at Section 2 of this report.

Once the distribution from the Trustees for the building sale proceeds is completed, the Liquidators will proceed with a dividend and distribution to creditors and shareholders.

Please refer to the estimated timeframe included at Section 4 of this report.

How much will I receive?

Please refer to Section 2 of this report for information about the amount payable from the Trustees.

The amount available to shareholders will be determined once the Company's payment from the Trustees is calculated. The Liquidators are assisting the Trustees with these calculations.

An update will be provided when more information is available.



How are Unpaid Levies dealt with?

Unpaid levies will be deducted from the distribution to the relevant Lot Owners by the Trustees, pursuant to paragraph 11 of the Court Order attached as **Appendix A**.

The Liquidators will adjudicate on the outstanding levies in order to assist the Trustees in determining the amounts to be withheld from the applicable Lot Owners. Should Lot Owners believe the amount of any outstanding levies are incorrect, they should contact the Liquidators with written details disputing the amount owed.

Who pays the Sale Costs for the property?

The costs applicable to the sale of the property and the Trustees are deducted from the sale proceeds from the property.

Do the Liquidators receive remuneration?

The Liquidators' remuneration is discussed at Section 5 of this report.

Can I continue to use my unit in the Voyager building?

No. The Voyager Resort building has been sold.

Will I receive a statement of how the funds have been dealt with?

A summary of receipts and payments made by the Trustees will be made available in due course.

A summary of the Liquidators' receipts and payments made within the liquidation to date is attached as **Appendix C**.

Once payment is made to Shareholders, the Liquidators will provide correspondence advising you of the amount you have received and an updated summary of relevant receipts and payments made within the liquidation.

Why is it taking so long for the payment to be made to the Lot Owners and Shareholders?

There are a number of legal and practical issues required to be resolved prior to a distribution from either the Trustees or the Liquidators. These issues are discussed at Sections 2 and 3 of this report. Once these matters have been addressed, a distribution will be made as soon as possible.

Please refer to the anticipated timeframe at Section 4 of this report for more information.



How will payment be made?

Distributions will be paid to Lot Owners and Shareholders by electronic funds transfer, where possible. If you are unable to receive an electronic funds transfer please contact our office.

As discussed at Section 2 of this report, a secure online Portal will be used to verify bank account details of Lot Owners and Shareholders. Further information in relation to this process will be provided in due course.

Where are the sale proceeds held?

The sale proceeds for Lots 3 to 62 are held by the Trustees in a term deposit generating interest.

These funds are an asset of the Trustees, not the Company, and therefore were not listed in Section 4.3 of our initial report.

I didn't receive the initial report

If you did not receive our initial report, please contact our office to request a copy. If your email or postal address has changed, please advise our office immediately.

What was the value attributed by the valuation obtained by the Trustees of my Lot?

A summary of the Herron Todd White Valuation Report can be found at **Appendix B**.

Who can I contact if I have a question?

Please send any enquiries to voyager@pilotpartners.com.au



Appendix A



*Duplicate***SUPREME COURT OF QUEENSLAND**

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

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 - (a) the One Hundred and Fourth Respondent;
 - (b) the One Hundred and Forty Eighth Respondent;
 - (c) the One Hundred and Seventy Seventh Respondent;
 - (d) the Two Hundred and Forty Second Respondent;
 - (e) the Two Hundred and Ninety Seventh Respondent;
 - (f) the Three Hundred and Thirty Second Respondent;
 - (g) the Four Hundred and Eleventh Respondent;
 - (h) the Six Hundred and Fifty Seventh Respondent;

**ORDER**

Filed on behalf of the Applicant
Form 59, Version 1
Uniform Civil Procedure Rules 1999
Rule 661

Mahoneys
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 - (j) the Eight Hundred and Sixty Fourth Respondent;
 - (k) the Nine Hundred and Eighth Respondent;
 - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
 3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
 4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
 5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
 6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

THE COURT DIRECTS THAT:

7. The Trustees:
 - (a) keep proper books of account in relation to all amounts received or expended by them;
 - (b) take out and maintain appropriate insurance;
 - (c) shall not be entitled to any remuneration;
 - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.

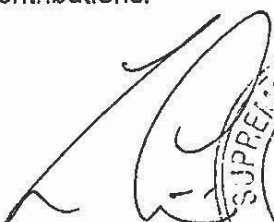
- 3 -

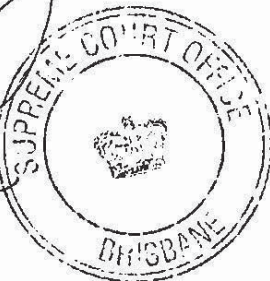
8. The Trustees may sell all Lots jointly:
 - (a) and so that they settle simultaneously;
 - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
 - (a) First, in discharge of any valid encumbrance over the title to the Property;
 - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
 - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
 - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
 - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
 - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
 - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
 - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
 - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
 - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
 - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
 - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

- 4 -

debt due and owing to the applicant on account of any unpaid contributions.

Signed:


Deputy Registrar





Appendix B



Summary of Herron Todd White Valuation Report		
Lot Number	Unit Number	Assessed Value (\$)
3	1A	450,000
4	1B	470,000
5	1C	490,000
6	1D	470,000
7	2A	460,000
8	2B	480,000
9	2C	500,000
10	2D	480,000
11	3A	465,000
12	3B	485,000
13	3C	505,000
14	3D	485,000
15	4A	470,000
16	4B	490,000
17	4C	510,000
18	4D	490,000
19	5A	490,000
20	5B	510,000
21	5C	530,000
22	5D	510,000
23	6A	495,000
24	6B	515,000
25	6C	535,000
26	6D	515,000
27	7A	500,000
28	7B	520,000
29	7C	540,000
30	7D	520,000
31	8A	505,000
32	8B	525,000
33	8C	545,000
34	8D	525,000
35	9A	510,000
36	9B	530,000
37	9C	550,000
38	9D	530,000
39	10A	515,000
40	10B	535,000
41	10C	555,000
42	10D	535,000
43	11A	520,000
44	11B	540,000
45	11C	560,000
46	11D	540,000
47	12A	525,000
48	12B	545,000
49	12C	565,000
50	12D	545,000
51	13A	535,000
52	13B	555,000
53	13C	575,000
54	13D	555,000
55	14A	540,000
56	14B	560,000
57	14C	580,000
58	14D	560,000
59	15A	545,000
60	15B	565,000
61	15C	585,000
62	15D	565,000
Total		\$31,300,000



Appendix C

Voyager Resort Limited (In Liquidation)
ACN 010 547 618
Receipts and Payments
For the period 2 May 2023 to 20 August 2023

	Amount (\$)
RECEIPTS	
Pre-Appointment Cash at Bank	3,357,228.20
Pre-Appointment Debtors	4,206.00
Interest Income	9,425.68
Total Receipts	<u>3,370,859.88</u>
PAYMENTS	
Legal Fees	89,064.06
Total Payments	<u>89,064.06</u>
Net Receipts and Payments	3,281,795.82
REPRESENTED BY:	
Cash at Bank as at 20 August 2023	3,281,795.82

From: Amelia Meek
Sent: Friday, 22 September 2023 2:25:11 PM
To: Amelia Meek
Cc: Cameron Woodcroft; Bailey Cox
Subject: RE: PC / Denise Vitellaro / 20 September 2023 [PILOT-CLIENT.FID1210301]

PC 9:31am

- Denise referred to Geoff's email this morning, asked if we still need her solicitor to contact us with relevant docs? I said yes
- I apologised for confusion caused by our response and Geoff's differing response sent this morning. I advised we had recently received legal advice and were yet to confer with the trustees regarding this
- She understood and would go back to solicitor to send us documents

PC 10:51 am

- Denise called again and advised the lotholding isn't included in the Will/probate
- For probate to be granted, herself and her two brothers would need to sign as executors, she isn't in contact with her brothers so this could be difficult
- Her solicitor advised her it may not be worth her time and the legal costs to pursue this, I advised it is a considerable amount, she would be looking at around \$20,000 per week (father held 2 weeks)
- She also advised if the funds were to be paid into the estate without probate, she would likely need to split the funds with her brothers, also believed this wasn't worthwhile
- I asked Denise to send us a copy of the letter from her father 'gifting' the weeks to her and we would discuss further and get back to her
- I apologised again for the confusion and differing responses from GH and Liquidators. Advised we would discuss the issue with them

Note: I have not yet received the requested documents from Denise's solicitor by email on 20.09.23

Regards,

Amelia Meek

Accountant, Forensic Accounting

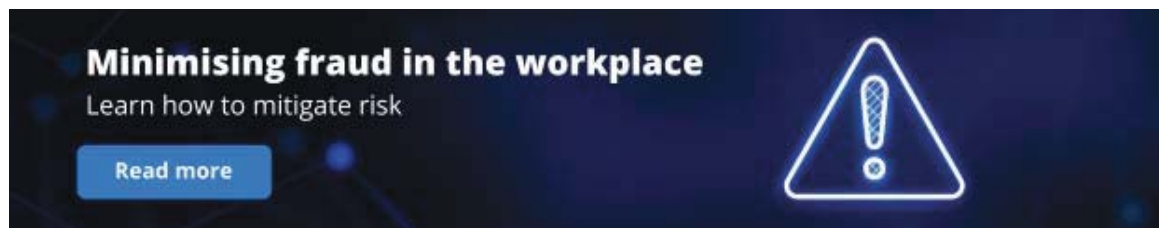
Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 1315 **E** AMEEK@pilotpartners.com.au **W** pilotpartners.com.au



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From: Amelia Meek
Sent: 20 September 2023 3:17 PM
To: Amelia Meek <AMeek@pilotpartners.com.au>
Cc: Bailey Cox <bcox@pilotpartners.com.au>; Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>
Subject: RE: PC / Denise Vitellaro / 20 September 2023 [PILOT-CLIENT.FID1210301]

PC 12:49pm
0413 699 443 - In

- PC with Denise & her solicitor, Peter Lofitis of West Legal
- I explained to Peter what we needed, he explained further to Denise who seemed to understand better
- Peter asked me to email him so he can provide probate etc.
- He told Denise he would update her going forward because Pilot would be dealing with him directly
- lofitis@westlegal.com.au

Amelia to email Peter & update contact details

Regards,

Amelia Meek

Accountant, Forensic Accounting

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

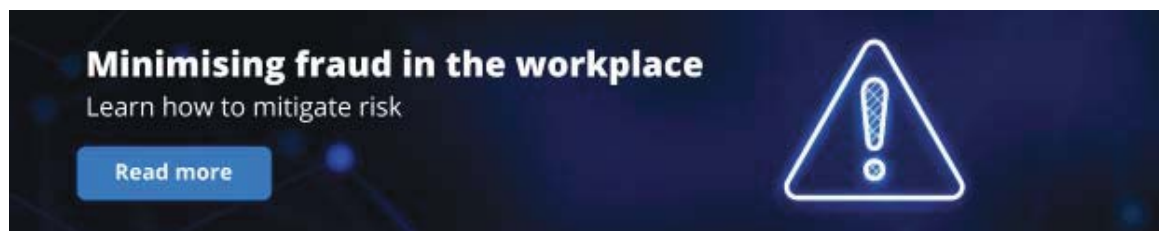
T +61 7 3023 1315 **E** AMeek@pilotpartners.com.au **W** pilotpartners.com.au



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From: Amelia Meek
Sent: 20 September 2023 9:38 AM
To: Amelia Meek <AMEek@pilotpartners.com.au>
Cc: Cameron Woodcroft <CWoodcroft@pilotpartners.com.au>; Bailey Cox <bcox@pilotpartners.com.au>
Subject: PC / Denise Vitellaro / 20 September 2023 [PILOT-CLIENT.FID1210301]

FILE NOTE

Matter	Voyager (CL)
Filing No.	Shareholders
Date/Time	20/09/23 9:12am
Phone No.	02 8798 0415
In/Out	Out
Person	Denise Vitellaro (daughter of Anthony Vitellaro – lot owner)
Alternate Contact	tomhopson@hotmail.com.au

Comments

- Called re attached email
- She advised the title wasn't left to her in the will, but her father had written a letter to that effect. I said she'd need to speak to her solicitor about how the funds are distributed to beneficiaries once paid
- I asked for the contact details of who was handling the estate, we need a will/letter of administration
- She implied she was handling everything but said there were solicitors involved too
- She will send me docs she has and pass on my details to the solicitor

Actions To Be Performed

-

Regards,

Amelia Meek

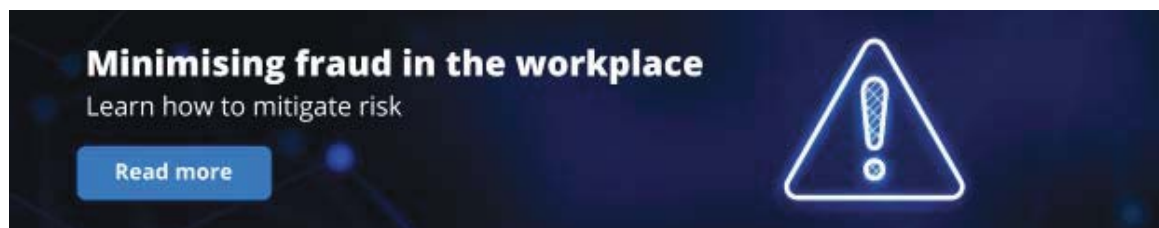
Accountant, Forensic Accounting
Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 1315 **E** AMeek@pilotpartners.com.au **W** pilotpartners.com.au



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From: Bailey Cox
Sent: Monday, 20 November 2023 2:45:59 PM
To: Bailey Cox
Subject: PC / Anthony Vitellaro / 20 November 2023 [PILOT-CLIENT.FID1210301]

FILE NOTE

Matter	Voyager
Filing No.	
Date/Time	20/11/2023 at 2:01
Phone No.	0412 280 049
In/Out	In
Person	Anthony Vitellaro
Alternate Contact	

Comments

- Anthony advised:
 - His father (Also named Anthony Vitellaro) previously owned a week at Voyager before passing away 9 years ago
 - At that time, Anthony's sister claimed the Voyager week was left to her by their father
 - He now believes that is not true and thinks he should potentially be entitled to a distribution or it should be shared between them
- I advised
 - Portal link sent to tomhopson@hotmail.com.au, would require will and probate to claim on behalf of deceased estate
 - Portal has not been registered for and no claim submitted on behalf of father
 - I will add Anthony's email address to Insol, will send portal link.
- Anthony said he will contact their solicitor to obtain required documents and submit as per portal requirements

Actions To Be Performed

- Add Anthony.vitellaro282@gmail.com to insol, send portal link and creditor code
- Add dispute to list to be sent to trustees

Regards,

Bailey Cox

Accountant


Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T [+61 7 3023 136](tel:+6173023136) **E** bcx@pilotpartners.com.au **W** pilotpartners.com.au

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Do we have to talk about ESG?

[Read more](#)



From: Bailey Cox
Sent: Monday, 4 December 2023 5:10:49 PM
To: Bailey Cox
Subject: PC / Anthony Vitellaro / 4 December 2023 [PILOT-CLIENT.FID1210301]
Attachments: PC _ Anthony Vitellaro _ 20 November 2023 [PILOT-CLIENT.FID1210301](2567493.1).msg.nrl

FILE NOTE

Matter	Voyager Resort
Filing No.	
Date/Time	4/12/2023 at 12:00pm
Phone No.	0412 280 049
In/Out	In
Person	Anthony Vitellaro
Alternate Contact	

Comments

- Anthony has tried to submit claim through the Portal but is having trouble
- I advised I can send EFT form, enquired about status of dispute – see attached file note
- Anthony advised his sister has conceded that payment should be split between the siblings, also mentioned his brother passed away a few weeks ago
- I advised I will check status of dispute and provide update in email with EFT details form

Actions To Be Performed

-

Regards,

Bailey Cox

Accountant

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000


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**Pilot Partners wishes you a Merry Christmas
and a safe and prosperous New Year**

Our office closes on 22 December 2023
and will re-open on 8 January 2024



From: Fran Preston
Sent: Monday, 4 December 2023 2:04:36 PM
To: Amelia Meek
Cc: Bailey Cox
Subject: Phone message

While You Were Out	
Name	Denise Vitellaro re. Voyager
Date/Time	Monday 4/12/23 at 1:55pm
Respond By	
Phone	
Email	
Mobile	X 0435 857 286
Fax	
Please Call	X
Returned Call	
Telephoned	
Urgent	
Will Call Again	


Message

HI Amelia,
Denise says she spoke to you previously. She is very confused about the portal situation as she is trying to look after her own as well as now two deceased brothers’ portals, as far as I could gather from what she said. Please call her back when you can.



Regards,

Fran Preston
n
Administration Assistant
t
Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000
T +61 7 3023 130 **E** FPreston@pilotpartners.com.au **W** pilotpartners.com.au
g



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From: Amelia Meek
Sent: Tuesday, 5 December 2023 9:12:53 AM
To: Cameron Woodcroft
Cc: Bailey Cox
Subject: PC / Denise Vitellaro / 5 December 2023 [PILOT-CLIENT.FID1210301]

FILE NOTE

Matter	VRL
Filing No.	
Date/Time	5/12/23 8:40am
Phone No.	
In/Out	In
Person	Denise Vitellaro (disputed Title – Anthony Vitellaro)
Alternate Contact	

Comments

- Denise called wanting to submit the claim for her father on the portal
- I advised someone has registered on the portal using the email held on file but hasn't submitted a claim
- Denise is claiming for her deceased father. Herself and her 2 brothers were listed as executors on his will. One of her brothers has recently passed and she is executor for his estate
- I advised I would send her an EFT form that needs to be signed by all executors of her father's estate (she can sign in capacity as exec for her father, and exec for her brother. Her other brother will need to sign too)
- Also noted the authorisation documents required, in addition to both wills
- I told Denise I would send her an email detailing the documents required and she will get these to us ASAP

Actions To Be Performed

- AM to send EFT and list of docs required

Regards,

Ameli Meek
a k

, Forensic Accountant
Accountant g


Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

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From: Voyager
Sent: Tuesday, 5 December 2023 10:07 AM
To: tom hopson
Subject: Voyager Resort - EFT form & authorisation documents [PILOT-CLIENT.FID1210301]

Hey Denise,

Thank you for your call this morning.

As discussed, please complete and return the **attached** EFT form to our office. This form will need to be signed by all executors of your father's estate.

Further, we also require the following documentation.

Deceased estate	The Will and/or Grant of Probate
-----------------	----------------------------------

If any executor/administrator is a company:

1. A current company extract for the company (to identify its director(s));
2. 100 points of identification from two directors or a director and secretary, or from the company's sole director (to combat identity theft and fraud); and
3. A written direction to pay the distribution to a nominated account, which is signed by two directors or a director and secretary, or from the company's sole director (to enable statutory assumptions about proper authority and execution).

If any executor/administrator is an individual:

1. 100 points of identification (to combat identity theft and fraud); and
2. A written direction to pay the distribution to a nominated account, which is signed by that individual.

If the executor/administrator is a trustee and there is more than one trustee, the written direction to pay the distribution to a nominated account must be signed by all trustees because co-trustees must act unanimously.

Should you have any further questions, please contact our office.

Regards,

Amelia Meek

Accountant, Forensic Accounting

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 1315 **E** AMeek@pilotpartners.com.au **W** pilotpartners.com.au

From: tom hopson
Sent: Sunday, 17 December 2023 11:55:00 AM
To: Amelia Meek
Subject: EFT Form & Authorisation docs Denise V
Attachments: email.pdf, godwyne.pdf, A-V will part 1.pdf, A-V will part 2.pdf, gv will part 1.pdf, gv will part 2.pdf, id denise 1.pdf, 2023-12-17_115045.pdf, Receipt.pdf

Dear Amelia I have tried to get tony or anthony frank to do the right thing he just didnt. I am sending you mine and godwynes things I only just got the death cert for godwyne and now his with mum. I do not wish to let tony frank vitellaro see godwyne's will at all as they were not good to each other now tony wants to cause problems with me . I am over it he thinks its a game . I hope this helps if you have any problems just email thanks denise .



Driver Licence

New South Wales, Australia

Denise Rachele VITELLARO

Card Number
2 055 985 157

**6 LOBELIA ST
MACQUARIE FIELDS NSW 2564**



Licence No.

3263BU

Licence Class

C

Denise Vitellaro



Denise Rachele VITELLARO

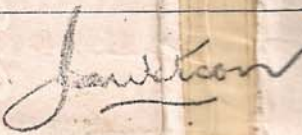
Date of Birth
31 OCT 1958

Expiry Date
30 OCT 2026

65183

770 A. H. PETTIFER, GOVERNMENT PRINTER

**BIRTHS registered in the District of Sydney, in the State of New South Wales by
Jack Hayward Watson. Registrar General.**

Column 1. No. in Register ...	18485
Child— 2. Christian Name ...	Denise Marie Rose.
	Female.
4. When and where born ...	31st October, 1958. Bankstown District Hospital, Bankstown.
Parents— Father— 5. Christian name and Surname, occupation, age, and birthplace—	Anthony Joseph Vitellaro. Electrical Fitter. 25 years. Msida, Malta.
Mother— 6. Christian name and Maiden Sur- name, age and birthplace ...	Catherine Agius. 24 years. SLIEMA, Sliema, Malta.
7. When and where married, previous names, and ages of children ...	13th March 1955. Anthony J. 2 years. None deceased.
Informant— 8. Name, description, and residence	Certified by:- A. J. Vitellaro. Father. 76 Australa Street, Bass Hill.
Witnesses— 9. Names of Doctor and Nurse or other persons present at the birth	Dr. Protopopoff. Sister Dowes.
Registration— 10. Signature of Registrar General ... Date of Registration ...	 2nd December, 1958.
11. Name, if given after registration of birth ...	

I, Jack Hayward Watson, Registrar General, do hereby certify
that the above is a copy of an entry in a Register kept at

ELECTRONIC FUNDS TRANSFER (EFT) DETAILS FORM**Statutory Trustees for Lots 3 to 62 on BUP 6459 (Voyager Resort)****Voyager Resort Limited (In Liquidation)
ACN 010 547 618****Lot Owner name**

Anthony Joseph Vitellaro

All payments made in relation to the Statutory Trustees' and the Liquidators' distribution should be paid to the following bank account:

Bank account name:	Denise Rachele Vitellaro
BSB:	112 - 879
Account Number:	065995344

For international transfers only, please provide the following additional information:

SWIFT/BIC code:		IBAN:	
Bank name:		Bank address:	
Account holder name:		Account holder address:	

Signature of authorised representative* Denise R Vitellaro	Date 17/12/23
Name Denise Rachele Vitellaro Godwyne MARK Vitellaro	Email tomhopeone@hotmail.com.au Mvitse@dodo.com.au

*In signing this form, I confirm I am either the Lot Owner personally or am authorised by the Lot Owner to submit these details and no authority has been revoked at the time of this submission.

Please return this form to: voyager@pilotpartners.com.au

Pay godwyne's money owed to Denise R Vitellaro

Denise R Vitellaro 17/12/23

Liability limited by a scheme approved under Professional Standards Legislation.

From: Simi Singh
Sent: Wednesday, 20 December 2023 8:40:23 AM
To: Amelia Meek;Bailey Cox
Subject: Denise Vitellaro - VOYAGER

While You Were Out	
Name	Denise Vitellaro
Date/Time	20/12/2023 8:35 am
Respond By	
Phone	
Email	tomhopson@hotmail.com.au
Mobile	
Fax	
Please Call	Please email only
Returned Call	
Telephoned	
Urgent	
Will Call Again	

Message

Hi Team,

Denise Vitellaro has asked me to advise you that her brother, Anthony Frank, is uncooperative. She has asked if you could you please not send Denise's or her brother Godwyne's information to Anthony.

If you need any other info, please email Denise.

Thanks!

Regards,

Sim Singh
i h

Receptionist

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000


T [+61 7 3023 130](tel:+6173023130) **E** SSingh@pilotpartners.com.au **W** pilotpartners.com.au

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and a safe and prosperous New Year**

Our office closes on 22 December 2023
and will re-open on 8 January 2024



From: Anthony Vitellaro
Sent: Wednesday, 3 January 2024 10:40:02 PM
To: Voyager;Michael Tuckerman;Mike Tuckerman
Subject: Re: Voyager Resort Limited (In Liquidation) [PILOT-CLIENT.FID1210301]
Attachments: image004.pdf

To Whom It May Concern
Dear Sir Madam,

Iam Anthony Joseph's Vitellaro's eldest and remaining son.

I have a sister Denise Rose Vitellaro second born.

Four Weeks ago, Denise in a flurry and with urgency wanted me to sign a paper produced by you.

I refused to do so and wanted to engage my solicitor Mike Tuckerman **Vander Fox** to represent me in the distribution of my fathers estate.

Suddenly, Denise has remained silent and has cut off all contact with me, which is very unusual .

To the point can you please give an update to my solicitor of the current standing with distribution.

Can you please send him a quick email to clarify what is actually happening .

Mike Tuckerman

Special Counsel



T 02 9054 2830
F 02 9008 4698
M 0419 615 498
W vanderfox.com.au
E mike@vanderfox.com.au
A Suite 10.02, Level 10, 1 Pacific Highway, North Sydney 2060



On Mon, 20 Nov 2023 at 15:54, Voyager <Voyager@pilotpartners.com.au> wrote:

Hi Anthony,

Thank you for your time on the phone earlier.

Please find **attached** all correspondence issued by our office to date.

As mentioned on the phone, the online Portal used to verify bank details for payment of the Trustees' distribution to Voyager Resort Lot Owners is now live and can be accessed at <https://creditors.accountants/Job/3913/>.

To access the Portal, you will need to register using your email address (anthony.vitellaro282@gmail.com) and the unique creditor code **LMORP-YVWZW**.

Instructions for registering on the Portal and completing the claim have been **attached**. A list of the documents required when submitting a claim on behalf of a deceased estate can be found at question 9 of the FAQ section at the back of the instructions.


Should you have any further questions, please don't hesitate to contact our office.

Regards,

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000
T +61 7 3023 130 **E** Voyager@pilotpartners.com.au **W** pilotpartners.com.au
0



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Kind Regards ,
Anthony Frank Vitellaro
0412 280 049

From: Bailey Cox
Sent: Monday, 15 January 2024 4:22:38 PM
To: Bailey Cox
Subject: PC / Anthony Vitellaro / 15 January 2024 [PILOT-CLIENT.FID1210301]

FILE NOTE

Matter	Voyager Resort Limited
Filing No.	
Date/Time	15/01/2024 at 3:27pm
Phone No.	0412 280 049
In/Out	In
Person	Anthony Vitellaro (Jr)
Alternate Contact	

Comments

- Anthony wanting update on distribution
- Anthony explained again that Title was registered in his father's name, his sister (Denise) had tried to claim all money should be paid to her instead of being split between siblings
- I advised of issues Trustees encountered prior to Christmas, Anthony had read Trustee circular and was aware of delay
- I advised Trustees likely to attempt to make payment to the majority of owners next week with disputed cases (such as Anthony's) to be investigated and actioned following this
- Anthony had no problem with payment being withheld, wants to ensure it is paid correctly

Actions To Be Performed

-

Regards,

Bailey Cox

Accountant

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000


T [+61 7 3023 136](tel:+6173023136) **E** bcox@pilotpartners.com.au **W** pilotpartners.com.au

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From: tom hopson
Sent: Tuesday, 23 January 2024 7:37:25 PM
To: Amelia Meek
Subject: Voyager update on lot owners Anthony J Vitellaro Respondent 304

Hi Amelia

This is Denise Vitellaro i had called you for an update on my payment for me and my brother Godwyne Vitellaro you said you would send me an email i have sent you all our personal papers and have head nothing at all .

Maybe i need to go higher up you must have to much on your plate can you send an email to say when payment will be as there is only less than 10 days before payment and i want to make sure the other brother has not taken our share as well thanks thankyou for your time denise

From: Amelia Meek
Sent: Thursday, 1 February 2024 12:45:30 PM
To: kjs@finns.com.au
Cc: Cameron Woodcroft; Bailey Cox; tom hopson
Subject: RE: voyager Respondent 304 [PILOT-CLIENT.FID1210301]

Dear Ken,

I understand from the below correspondence you act for Denise Vitellaro and are assisting her with the lotholding previously held by Anthony Joseph Vitellaro in the Voyager Resort.

The Statutory Trustees require the following documentation in order to distribute the funds owed:

- 100 points of identification from Anthony Frank Vitellaro (as executor), and
- A written direction to pay the distribution to a nominated account, signed by **both** executors, and
- A copy of the death certificate for Catherine Vitellaro.

Please note we have previously received Mr Vitellaro's will, and 100 points of identification from Denise as executor.

Mr Vitellaro's will states his children will be appointed executors only in the event his wife predeceases him or does not survive him by more than 30 days. In order to confirm the executors of Mr Vitellaro's estate, please provide a copy of the death certificate for Catherine Vitellaro.

Payment for Mr Vitellaro's lotholding is unable to be made until the above documentation has been provided.

Should you have any queries, please do not hesitate to contact our office.

Regards,

Amelia Meek

, Forensic Accountant
 Accountant

Level 10, Waterfront Place, 1 Eagle Street, Brisbane, Qld, Australia, 4000

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From: tom hopson <tomhopson@hotmail.com.au>
Sent: Thursday, February 1, 2024 9:03 AM
To: Amelia Meek <AMEEK@pilotpartners.com.au>
Subject: FW: voyager Respondent 304

Sent from [Mail](#) for Windows

From: tom hopson <tomhopson@hotmail.com.au>
Sent: Tuesday, January 30, 2024 3:29:01 PM
To: ameek@pilotpartnrts.com <ameek@pilotpartnrts.com>
Subject: voyager Respondent 304

Hi Amelia I have a new lawyer to look after DENISE VITELLARO and GODWYNE VITELLARO if you need to put the money under father ANTHONY J VITELLARO you can send it to KEN SCULLY FINN ROACHE LAWYERS as Ken will be looking after my self and Godwyne Vitellaro email kjs@finns.com.au phone no 02 82971100 thanks can you update me about whats is going on as it is the end of January . thanks
denise

Sent from [Mail](#) for Windows

From: Bailey Cox
Sent: Monday, 15 July 2024 11:07:15 AM
To: Bailey Cox
Cc: Cameron Woodcroft
Bcc: VOYAGER RESORT LIMITED _ Court Liquidation _VOYAGER RESORT LIMITED_
 Shareholders
Subject: PC / Denise Vitellaro / 15 July 2024 [PILOT-CLIENT.FID1210301]

FILE NOTE

Matter	Voyager Resort Limited (In Liquidation)
Filing No.	
Date/Time	15/07/2024 at 10:24am
Phone No.	anonymous
In/Out	In
Person	Denise Vitellaro
Alternate Contact	

Comments

- Denise is daughter of Anthony Vitellaro. Anthony also had two sons: Anthony Jr and Godwin Vitellaro.
- Anthony Vitellaro entitlement is one of the twelve entitlements the Trustees are still withholding
- Denise explained:
 - Her father was registered owner of title
 - She believes her father left her the Voyager timeshare interest before his death
 - After her father passed away, Denise continued to pay annual levies for 14 years. The title was never transferred to her name, she was told by someone at the resort she didn't need to do this and only needed to pay the annual levies.
 - When the resort was sold, Anthony Jr believed each sibling was entitled to 1/3 of the proceeds
 - Godwin passed away November 2023 – Denise is executor of his estate
- Denise's solicitor is Ken Scully (email: kjs@finns.com.au phone: 0414 752 166) who has been assisting her with executing Godwin's will
- Denise's email address is tomhopson@hotmail.com
- I explained:
 - Entitlement has been withheld
 - Our office no longer engaged to assist the trustees with verification/distribution of sale proceeds but we are seeking to verify list to receive shareholder distribution
 - I will review documents previously provided and comeback to her with update on what needs to be provided

Actions To Be Performed

•

Regards,

Bailey Cox

Accountant

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000


T [+61 7 3023 136](tel:+6173023136) **E** bcox@pilotpartners.com.au **W** pilotpartners.com.au

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From: Voyager
Sent: Monday, 22 July 2024 9:05:03 AM
To: kjs@finns.com.au
Cc: tomhopson@hotmail.com
Bcc: VOYAGER RESORT LIMITED _ Court Liquidation _ VOYAGER RESORT LIMITED _ Shareholders
Subject: Voyager Resort Limited (In Liquidation) - Estate of Anthony Joseph Vitellaro [PILOT-CLIENT.FID1210301]
Attachments: Report to Shareholders_1 May 2024.pdf

Dear Mr Scully,

We have been informed by Denise Vitellaro you have been engaged to assist with the estate of Anthony Joseph Vitellaro.

In order for the Statutory Trustees and Liquidators to make payment of the entitlements owed to the estate of Anthony Joseph Vitellaro, please provide our office with the following:

1. The will of Anthony Joseph Vitellaro and grant of probate;
2. The death certificate of Catherine Vitellaro and/or documents confirming the current executor of the estate Anthony Joseph Vitellaro. We understand Catherine was the executor of the estate and is now deceased;
3. 100 points of identification from the current executor(s); and
4. A written direction to pay the distributions to a nominated account signed by the current executor(s).

Once we have the above information, we will revert back to you should we require further information to make a decision on payment.

For your reference, **attached** is a copy of the Liquidators' most recent report to shareholders dated 1 May 2024.

Should you have any questions, please do not hesitate to contact our office.

Regards,

Level 10, One Eagle, 1 Eagle Street, Brisbane, Qld, Australia, 4000

T +61 7 3023 1300 **E** Voyager@pilotpartners.com.au **W** pilotpartners.com.au

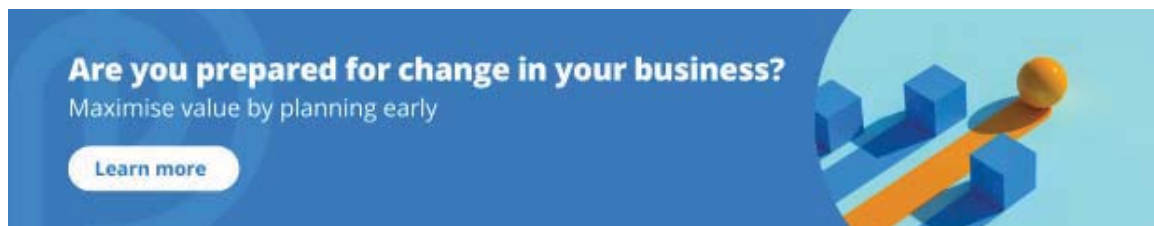


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Voyager Resort Limited
(In Liquidation)
ACN 010 547 618
(the “Company”)

REPORT TO SHAREHOLDERS

Appointees:

Mr Bradley Vincent Hellen
and Mr Nigel Robert Markey
Pilot Partners

Contact:

voyager@pilotpartners.com.au

Date: 1st day of May 2024

Liability limited by a scheme approved under Professional Standards Legislation





Contents

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APPENDICES	DOCUMENT DESCRIPTION
A	Summary of Lot Holdings Owned by Voyager Resort Limited
B	Summary of Receipts and Payments
C	Australian Taxation Office Class Ruling for Lot Owners
D	Court Order
E	ASIC Information Sheet – Insolvency: A Guide for Shareholders



Section | ONE

1. SUMMARY

1.1 Background

We refer to our reports dated 30 May 2023, 21 August 2023, 13 October 2023 and 14 November 2023. This report should be read in conjunction with our previous reports.

The purpose of this report is to provide you with an update on the progress of the liquidation.

1.2 Distribution from Statutory Trustees

The Statutory Trustees of the Voyager Resort ("the Trustees") have made payment to Voyager Resort Limited ("VRL or the Company") for:

	\$
Outstanding levies from Lot Owners	2,088,372.72
Lot holdings owned within the Voyager Resort	15,320,298.57
Total	17,408,671.29

Now these funds have been received, we are able to proceed with the liquidation.

1.3 Matters requiring Court Approval

There are several matters we intend to seek the direction of the Court on. These include:

- Verification of the Company's shareholder list;
- The treatment of levies still owed by Lot Owners entitled to a distribution as a shareholder of the Company;
- Approval to pay a distribution to shareholders in a court liquidation; and
- The Liquidators' remuneration.

These matters are discussed in more detail at Section 4 of this report. The progress of these proceedings will have significant influence over the timeframe for finalisation of the administration.

1.4 Costs of the Administration

Please refer to Section 4.4 of this report for details on the cost of this administration.

1.5 Distribution to Shareholders

The timeframe and quantum of a distribution to shareholders is dependent on the progress of the matters discussed in the body of this report, particularly the matters requiring Court direction discussed at Section 4.

Further updates on the progress of these matters and the administration will be provided in due course.



1.6 Who Can I Contact?

An updated list of Frequently Asked Questions can be found at Section 6 of this report.

Should you have any further queries relating to the liquidation, please contact our office.

	Details
Email:	voyager@pilotpartners.com.au

Should you have any further queries or information to provide relating to the Trustees’ distribution, please contact the Trustees.

	Details
Email:	trustees@voyagerresort.com.au

Dated this 1st day of May 2024


BRADLEY HELLEN
JOINT & SEVERAL LIQUIDATOR

Section | TWO

2. TRUSTEES' DISTRIBUTION TO LOT OWNERS

The Trustees have requested we provide the below update on their behalf.

2.1 Distribution from the Trustees to Lot Owners

The Trustees have now made payment of all but twelve entitlements resulting from the sale of the Voyager Resort (the "Resort"). Lot Owners who have been paid have been issued with distribution statements detailing how their payments were calculated.

If you have not received payment, the Trustees have withheld your payment because at the date of distribution:

- You had not provided your bank account details; and/or
- You had not provided all requested authorisation documents; and/or
- Your lot holding was disputed.

The withheld funds, currently totalling \$118,878.49, remain under the control of the Trustees and continue to accrue interest.

The Trustees intend to proceed with investigating these cases, collecting the required information, and making payment where appropriate.

Any queries relating to payment of the Trustees' distribution should be sent directly to the Trustees at trustees@voyagerresort.com.au

2.2 ATO Class Ruling

The Trustees requested a Class Ruling from the Australian Taxation Office ("ATO") to confirm the following for Lot Owners:

- Which year the capital gain should be reported in; and
- That the ATO will not apply interest or penalties to any amended tax returns for Lot Owners.

The ATO has now published their decision. A copy of the Ruling is attached at **Appendix C**.

2.3 Foreign Resident Capital Gains Withholding

There were nine Lots within the Resort that:

- Were owned in part by a non-resident of Australia for tax purposes; and
- Had an apportioned sale value exceeding \$750,000.

Due to the above, the ATO assessed the nine Lots for Foreign Residents Capital Gains Withholding ("FRCGW") and the Trustees were required to withhold 12.5% of the sale proceeds from these Lots.

The Trustees sought guidance from the ATO to determine if the FRCGW could be applied to non-residents only. Ultimately, the Trustees were required to withhold FRCGW from all owners within these nine Lots.



This FRCGW was paid to the ATO by the Trustees and withheld from the distribution of impacted owners.

If you were impacted and believe you are an Australian resident for tax purposes, we recommend you seek guidance from your tax agent on how to claim for the withheld FRCGW.

A list of Lots impacted by FRCGW and the withheld amounts is below:

Lot	Proportion of Net Contract Price (\$)	Withholding (\$)
45	756,248.12	94,531
49	763,000.33	95,375
53	776,504.77	97,063
56	756,248.12	94,531
57	783,256.98	97,907
58	756,248.12	94,531
60	763,000.33	95,375
61	790,009.20	98,751
62	763,000.33	95,375
TOTAL	6,907,516.30	863,439

2.4 Foreign Resident Interest Withholding

If you are or were suspected to be a foreign resident for tax purposes, the Trustees have paid a portion of the interest you were entitled to the ATO as interest withholding. Please consult your own tax agent on the treatment of this withholding.



2.5 Sale Proceeds Reconciliation

The combined contract price for all lots at the Resort was \$45,301,680.00. A breakdown of sale proceeds is below:

	\$	\$
Funds to be distributed		
Resort sale proceeds	45,301,680.00	
Interest earned by the Trustees	<u>810,969.07</u>	46,112,649.07
Distributions paid to VRL		
Lots 1 and 2	1,751,667.07	
Lots 3 to 62	15,320,298.57	
Debtor recovery	<u>2,088,372.72</u>	19,160,338.36
Distributions paid to Lot Owners		
1 st payment group	23,516,880.19	
2 nd payment group	<u>813,861.96</u>	24,330,742.15
Payments to the ATO		
FRCGW	863,439.00	
Foreign resident interest withholding	<u>4,845.65</u>	868,284.65
Trustees' costs (incl. agent commission, legal costs, consultants' fees, etc.)		1,634,405.42
Funds held by the Trustees		118,878.49

Section | THREE

3. COMPANY INFORMATION

3.1 Company (VRL) Assets and Liabilities

A breakdown of the Company's assets and liabilities is below. Please refer to **Appendix B** for a full summary of receipts and payments in the administration to date.

	Note	Liquidators' ERV* \$
Assets		
Pre-appointment cash at bank	1	3,338,481
Pre-appointment debtors – recovered	2	2,107,879
Pre-appointment debtors – unrecovered	2	Unknown
Distribution from the Trustees	3	15,320,299
ASIC security bond	4	20,000
FRCGW refund	5	Unknown
Liabilities		
Unsecured creditors	6	7,101
Taxation liabilities	5	Unknown
Net Surplus/(Deficiency)		Unknown

*Estimated Realisable Value.

Notes:

1. Pre-Appointment Cash at Bank

At the date of liquidation there was \$3,338,481 in the Company's accounts with the Bank of Queensland ("BOQ").

These accounts were frozen shortly after our appointment. The funds are under the control of the Liquidators and are currently bearing interest.

2. Pre-Appointment Debtors

At the date of our appointment, the Company's records disclosed debtors of \$5,153,894.11. This amount represented unpaid levies owed to the Company by Lot Owners.

	Note	\$
Outstanding levies on appointment		5,153,894.11
Levies recovered directly	A	19,506.40
Levies paid to VRL by the Trustees	B	2,088,372.72
Adjustment to debts by the Liquidators	C	154,328.10
Levies remaining outstanding	D	2,891,686.89

A. We issued demand notices to the debtors and recovered \$19,506.40 of outstanding levies as a result of these notices.

B. \$2,088,372.72 was recovered during the Statutory Trustees distribution by offsetting outstanding debts against the funds owed by Owners, pursuant to the Court Order dated 25 March 2022 (attached at **Appendix D**).

- C. Amounts written off by the Liquidators for disputed debts or due to being incorrectly recorded in the Company's records.
- D. Clarification from the Court is required for the Liquidators to offset outstanding debts against any distribution the debtors are entitled to as a shareholder of the Company. Please refer to Section 4.3 of this report for further information on this process. Until clarification is received, the recoverable amount is unable to be determined.

3. Distribution from Statutory Trustees

Over time, the Company acquired 1,126.5 timeshare weeks within the Resort. A full breakdown of weeks owned by VRL can be found at **Appendix A**.

The Trustees have made payment to the Company of \$15,320,298.57 for these holdings. These funds are now under control of the Liquidators.

4. ASIC Security Bond

The Company ceases to hold an AFS licence with the Australian Securities and Investments Commission ("ASIC"). ASIC held a security bond of \$20,000 relating to licence. The security bond is currently held in a term deposit with the Australia and New Zealand Banking Group Ltd ("ANZ").

The Liquidators have lodged forms with ASIC in July 2023 to discharge the security bond and recover the funds. On 8 February 2024, ASIC posted a public notice to discharge the security bond. This notice must appear on the website for three months prior to the bond being discharged and the funds being recovered by the Liquidators.

5. Taxation Matters

The Liquidators are required to bring the Company's tax obligations up to date prior to paying a dividend to creditors or a distribution to shareholders.

Mutuality Principle

We lodged a Private Ruling application with the ATO regarding the use of the mutuality principle for the Company.

The mutuality principle is based on the proposition that an organisation cannot derive income from itself. The principle provides that where a number of persons, such as the members of a club, contribute to a fund created for a common purpose, any surplus arising from the use of that fund is not income.

The Liquidators sought clarification regarding the application of this principle to maintenance levies and late fees on those levies earned by VRL. Ultimately, the ATO ruled that maintenance levies and late fees on those levies are not assessable income.

The Liquidators also sought clarification as to whether the mutuality principle applied to disregard any net capital gain the Company has from the sale of its interest in the resort and business. The private ruling clarified the mutuality principle cannot be applied in such regard.

Now this ruling has been received, we are preparing and will lodge the final tax return for the Company.

***FRCGW***

A number of the Lot entitlements owned by the Company within the building were subject to FRCGW. Refer to Section 2.3 for a list of Lots subjected to FRCGW, and **Appendix A** for details of Lots owned by the Company.

We will be claiming FRCGW in the Company's final tax return. Given there may be a significant liability due to the capital gain from the sale of the Timeshare weeks. Any refund of the FRCGW is yet to be determined.

Taxation Clearance

We are required to seek clearance from the ATO prior to paying a dividend to creditors. This clearance will be sought as soon as we are in a position to do so.

Shareholder Distribution – Tax implications

A shareholder distribution from a liquidator can give rise to a number of tax implications for shareholders. The distribution may be capital or revenue in nature, impacting shareholders' taxable positions. The distribution may also be eligible for franking credits currently held by the Company.

These are matters we are currently reviewing to ensure the best outcome for shareholders.

6. Unsecured Creditors

Currently, unsecured creditor claims total \$7,101.

The exact amount due to unsecured creditors will not be determined until such time as:

- The tax payable by the Company has been determined;
- All creditors have lodged their Proof of Debt; and
- We have adjudicated those Proofs of Debt.

A dividend to creditors must be paid prior to a distribution of surplus funds to shareholders.

Section | FOUR

4. MATTERS REQUIRING COURT DIRECTION

We intend to seek direction from the Court in relation to the following matters. We have engaged legal representatives for this purpose. The timeline of future steps in the administration are dependent on the progress of these Court proceedings.

It also means the estimated timeline and work required to be completed in this administration could change drastically, should the proceedings not progress as anticipated.

We intend to report to shareholders following completion of the matters set out below, and in the event our legal advice indicates to us an alternative approach ought to be taken.

4.1 Shareholder Clarification

The Company's articles of association provide that:

- in order to qualify as a member (i.e., a shareholder) of the Company a person must be a "co-owner" of a Lot (meaning they must either be a registered owner or entitled to be registered as owner of one of a 1/51 fractional interests in a Lot); and
- the Company is entitled to treat the registered holder of any share as the absolute owner of that share.

In effect, the ownership of shares in the Company is stapled to the ownership of Lots at the Resort.

As discussed in previous reports, the Company's member registry was not maintained in accordance with the requirements of the articles of association and does not match the list of registered owners per Titles Queensland's Registry.

We have identified that:

- certain shares have been transferred without the associated fractional interest in a Lot being transferred;
- certain fractional interests in Lots have been transferred without the membership register being updated to reflect the transfer; and
- certain fractional interests in Lots have been further divided (for example, by multiple people sharing a 1/51 fractional interest).

As a consequence, distribution in accordance with the current register would lead to a situation where people who do not have any entitlement to a distribution would receive one, and people who ought to be entitled to a distribution would not.

Extensive work has been conducted throughout Trustees' appointment to establish a list of those who rightly have a claim to the Resort's sale proceeds.

We intend to seek confirmation from the Court that a distribution from the Liquidators ought to be made to those parties paid by the Trustees.

4.2 Distribution to Shareholders in Court Liquidations

The Company was wound up pursuant to 461(k) of the *Corporations Act 2001* (Cth) (the "Act"). In a Court ordered liquidation, the liquidator is required to seek approval from the Court prior to paying a distribution of surplus funds to shareholders, pursuant to section 488(2) of the Act.

This approval is not required prior to making a payment to creditors.

4.3 Outstanding Levies Offset

At the date of our appointment, the Company records disclosed debtors of \$5,153,894.11. Over \$2 million was recovered during the Statutory Trustees distribution by offsetting debts against funds owed to Lot Owners, pursuant to the Court Order dated 25 March 2022.

Over \$2.8 million in pre-appointment debtors remains outstanding. We have sought legal advice as to whether the amount owed by those members may be set-off against any distribution which may be made to them, and are advised that there is no express mechanism within the Act which entitles a liquidator to offset amounts payable by members against distributions which may be owed to them.

We intend to seek directions from the Court under cl 90-15(1) of the *Insolvency Practice Schedule (Corporations)* ("IPSC") as to whether we are entitled to offset the levy debts that remain outstanding against any distribution the debtors are entitled to as a shareholder of the company.

We have estimated these debtors could be entitled to approximately \$1.4 million, meaning if successful, these funds would instead be available for distribution to non-debtor shareholders.

In the event the Court does not allow the set-off of those debts against distributions then we will need to take advice on, and consider, whether it is feasible to pursue debt claims against the delinquent members.

4.4 Liquidators' Remuneration

It is estimated the costs of the administration will be approximately \$550,000 to \$800,000 (excluding GST).

This has increased from our initial estimate due to more work than anticipated being required surrounding the following:

- Level of enquiries from shareholders;
- Verification around shareholdings and the Lot title interests;
- Correspondence with ASIC regarding the release of their bond;
- Preparation and investigations into the Company's tax liabilities including;
 - Preparation of multiple tax returns;
 - Obtaining a private ruling on mutuality of income;
 - Work surrounding the quantification and classification of the income received by the Liquidators from the Statutory Trustees.
 - Advice on tax effective shareholder distributions (i.e. franking credit, revenue vs capital);
- Seeking approval from the Court to pay a distribution to members;
- Seeking direction from the Court on the shareholders of the company; and



- Work required and directions on the offsetting of outstanding entitlements of shareholders with outstanding levies.

The Company was wound up by the Court pursuant to section 461(k) of the Act. In a Court ordered liquidation, a liquidators' remuneration determination can, relevantly, be made by:

- a resolution of creditors; or
- if approval is not made by creditors, by the Court.

Pursuant to 60-10 of the IPSC, any person with a financial interest in this external administration may make an application to the Court for a review of the remuneration determination, unless the determination was made by the Court.

Given the scale of our fees in comparison to creditor claims, and financial interest of shareholders in our fees, we intend to seek approval of our remuneration by the creditors and advise the Court of our remuneration approved.

In the event our remuneration is not approved by the creditors we will be required to apply to the Court for approval.

Section | FIVE

5. WHAT HAPPENS NEXT

We are proceeding with the liquidation, including:

- Responding to shareholder enquiries;
- Responding to creditor enquiries;
- Completing and lodging the outstanding Company's final tax returns;
- Calling and holding a creditor meeting (shareholders are not entitled to attend this meeting);
- Adjudicating on creditor claims;
- Paying a dividend to creditors;
- Obtaining control of ASIC security bond funds;
- Obtaining legal advice on the matters discussed in Section 4, with a view to, where appropriate, seeking direction of the Court in respect of:
 - Verification of the Company's shareholder list;
 - Approval to distribute surplus funds to shareholders in a Court liquidation;
 - The Liquidators' ability to offset outstanding levies against distributions to shareholders; and
 - Liquidators' remuneration
- Reporting to shareholders on the progress of the administration;
- Investigating tax implications of a distribution to shareholders and identifying the most efficient way of distributing surplus funds;
- Calculation of shareholder distribution entitlements; and
- Paying a distribution of surplus funds to shareholders;

Further updates will be provided when information becomes available and warrants a further report.



Section | SIX

6. FREQUENTLY ASKED QUESTIONS – UPDATED

6.1 What do I need to do?

We will contact you if we require any action from you.

6.2 Why haven't I received a distribution from the Trustees?

The Trustees have now made a distribution to Lot Owners.

If you have not received payment, the Trustees have withheld your payment because:

1. You have not confirmed your bank account details, and/or
2. You have not provided all requested authorisation documents, and/or
3. Your lot holding is disputed.

The Trustees are now investigating these matters further.

If you have been requested to provide further documentation, please send these documents to trustees@voyagerresort.com.au

6.3 How was my distribution from the Trustees calculated?

Please refer to your distribution statement, including the notes to the statement, for information about how your payment has been calculated.

6.4 Why have I received multiple distribution statements?

Lot Owners have received a distribution statement from the Trustees for each Lot they held weeks in, as the calculation differs between each Lot.

For example, if you hold 2 weeks in Lot 5 and 1 week in Lot 6, you will receive one statement for Lot 5 and one statement for Lot 6.



6.5 Why is the HTW Valuation Report amount different to the sale price?

This valuation was performed in accordance with the Court Order dated 25 March 2022. This is the assessed value attributed by Herron Todd White.

6.6 Are the funds held by the Liquidators earning interest?

The Liquidators have transferred \$19.5 million into a 3-month term deposit at market rates.

The Liquidators approached a broker to find the best available rate.

The remaining funds are held in an interest-bearing account with Macquarie Bank at market rates.

Refer to **Appendix B** for a summary of receipts and payments in the administration to date.

6.7 When will I receive my distribution from the Liquidators?

The timeframe for a distribution to shareholders is dependent on the progress of the matters discussed in this report, particularly matters requiring Court approval discussed at Section 4.

We are unable to provide an estimated date for payment at this time. Further updates on the progress of the administration will be provided in due course.

6.8 Who can I contact if I have a question?

For any enquiries relating to the liquidation and a payment to shareholders, please contact voyager@pilotpartners.com.au

For any enquires relating to the Trustees' distribution, please contact trustees@voyagerresort.com.au

Appendix A



Lot Number	Percentage of Lot Owned by VRL	No. of Weeks Owned by VRL	Distribution Received by VRL (\$)
3	29.41%	15	180,683.59
4	54.90%	28	352,266.08
5	43.14%	22	288,558.38
6	47.06%	24	301,942.35
7	54.90%	28	344,771.06
8	58.82%	30	385,458.32
9	64.71%	33	441,671.00
10	58.82%	30	385,458.32
11	49.02%	25	311,177.29
12	37.25%	19	246,666.56
13	39.22%	20	270,356.19
14	54.90%	28	363,508.61
15	52.94%	27	339,685.15
16	54.90%	28	367,256.13
17	43.14%	22	300,336.28
18	35.29%	18	236,093.22
19	27.45%	14	183,628.06
20	49.02%	25	341,291.22
21	39.22%	20	283,740.16
22	23.53%	12	163,819.79
23	29.41%	15	198,751.95
24	62.75%	32	441,135.64
25	29.41%	15	214,812.71
26	31.37%	16	220,567.82
27	25.49%	13	173,991.60
28	58.82%	30	417,579.85
29	50.98%	26	375,821.87
30	19.61%	10	139,193.28
31	23.53%	12	162,213.71
32	21.57%	11	154,584.85
33	25.49%	13	189,650.85
34	25.49%	13	182,691.18
35	37.25%	19	259,381.33
36	31.37%	16	226,992.12
37	39.22%	20	294,447.33
38	19.61%	10	141,870.08
39	27.45%	14	192,996.84
40	11.76%	6	85,925.08
41	47.06%	24	356,548.95
42	23.53%	12	171,850.17
43	21.57%	11	153,112.61
44	50.98%	26	375,821.87
45	50.98%	26	341,548.91
46	41.18%	21	303,548.43
47	25.49%	13	182,691.18
48	33.33%	17	248,004.96
49	29.41%	15	198,806.80
50	31.37%	16	233,416.43
51	25.49%	13	186,171.02
52	56.86%	29	430,829.98
53	45.10%	23	310,232.44
54	30.39%	15.5	230,271.20
55	9.80%	5	72,273.44
56	33.33%	17	223,320.44
57	19.61%	10	136,056.57
58	29.41%	15	197,047.45
59	25.49%	13	189,650.85
60	33.33%	17	225,314.38
61	35.29%	18	247,013.05
62	21.57%	11	145,791.65
TOTAL		1126.5	15,320,298.57

*All figures have been rounded to 2 decimal places. The actual amounts paid may vary slightly due to being calculated with the maximum accuracy allowable with our software.

Appendix B



Voyager Resort Limited (In Liquidation)
ACN 142 651 965
Receipts and Payments
For the Period 2 May 2023 to 26 April 2024

	Amount (\$)
RECEIPTS	
Pre-appointment cash at bank	3,357,228.20
Pre-appointment debtors	19,506.40
Pre-appointment debtors (received from Statutory Trustees)	2,088,372.72
Lot holdings owned within Resort	15,320,298.57
Refund from Telstra	17.03
Interest income	90,837.02
	<u>20,876,259.94</u>
PAYMENTS	
Commission on recovery of debts	1,662.94
IT consulting fees	11,000.00
Legal costs paid pursuant to QLD Supreme Court Order dated 2 May 2023	89,064.06
Legal fees	7,557.00
Website subscription	19.95
	<u>109,303.95</u>
	Net Receipts (Payments) <u>20,766,955.99</u>
REPRESENTED BY	
	Cash at Bank as at 26 April 2024 1,266,955.99
	Term Deposit with BOQ 19,500,000.00
	<u>20,766,955.99</u>

Appendix C



CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners



This cover sheet is provided for information only. It does not form part of *CR 2024/23 - The Trustee for the Voyager Resort - tax consequences for former timeshare owners*



Australian Government
Australian Taxation Office

Class Ruling

CR 2024/23

Status: **legally binding**

Class Ruling

The Trustee for the Voyager Resort – tax consequences for former timeshare owners

1 Relying on this Ruling

This publication (excluding appendix) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

If this Ruling applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Ruling. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Ruling.

Table of Contents	Paragraph
What this Ruling is about	1
Who this Ruling applies to	4
When this Ruling applies	5
Ruling	6
Scheme	16
Appendix – Explanation	28

What this Ruling is about

1. This Ruling sets out the income tax consequences arising for the former timeshare owners of Voyager Resort at 167 Old Burleigh Road, Broadbeach, Queensland from the sale of that property and from related events.
2. Details of this scheme are set out in paragraphs 16 to 27 of this Ruling.
3. All legislative references in this Ruling are to the *Income Tax Assessment Act 1997*, unless otherwise indicated.

Who this Ruling applies to

4. This Ruling applies to you if all of the following apply:
 - You are a former timeshare owner in the Voyager Resort (Resort).
 - You were entitled to a share of the proceeds from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
 - You were an Australian tax resident during the 2021–22, 2022–23, or 2023–24 income years.

When this Ruling applies

5. This Ruling applies from 1 July 2021 to 30 June 2024.

Class Ruling

CR 2024/23

Status: **legally binding**

Ruling

Capital gains tax

6. CGT event A1 happened in respect of your timeshare interest in the Resort when the statutory trustees were appointed by court order on 25 March 2022, and the time of that event is in the 2021–22 income year.
7. Your capital proceeds from this CGT event A1 were the share of the sale proceeds you were entitled to receive from the trustees – that is from the sale of the property at 167 Old Burleigh Road, Broadbeach, Queensland.
8. You will have a capital gain from CGT event A1 if your share of the sale proceeds exceeded the cost base of your former timeshare interest.
9. You can disregard any capital gain or capital loss if you acquired your whole timeshare interest before 20 September 1985.

Interest income

10. You include a proportionate share of the interest income derived by the trustees in your assessable income for each of the 2022–23 and 2023–24 income years. For each year, your proportion of the total interest income (received by the trustees in that year) will be the same proportion as your share of the sale proceeds.
11. The trustees will advise you of the amount of interest income to be included in your assessable income for each of the 2022–23 and 2023–24 income years.

Penalties and interest charges

12. We will remit all penalties that may apply because you failed to lodge a tax return for the 2021–22 or 2022–23 income years, provided:
- you lodge your return by 31 May 2024, and
 - the requirement to lodge a return arises because of the matters dealt with in this Ruling.
13. We will remit all penalties that may apply to any false or misleading statements made on your tax returns for the 2021–22 or 2022–23 income years provided:
- those statements related to the omission of income connected to the ending of your timeshare interest in the Resort, and
 - you request an amendment of your income tax assessment to include this income and to reflect the Commissioner's position in this Ruling by 31 May 2024.
14. We will remit all applicable interest charges where you request we amend your assessment, or you lodge your tax return, consistent with this Ruling by 31 May 2024.
15. In the event any penalty or interest charge is applied by our systems, you will need to phone **13 11 42**, and explain that you are requesting a remission of interest and penalties consistent with this Ruling and to quote the reference number CR 2024/23.

Status: **legally binding**

Scheme

16. The following description of the scheme is based on information provided by the applicant. If the scheme is not carried out as described, you cannot rely on this Ruling.

17. Voyager Resort was a block of apartments at 167 Old Burleigh Road, Broadbeach, Queensland, with 62 strata-titled lots.

18. Lots 1 and 2 and the common areas of the Resort were owned by Voyager Resort Limited (the company) since the 1980s.

19. Lots 3 to 62 each had 51 timeshare ownership rights which were held by 1,017 timeshare owners. The company was one of the timeshare owners.

20. When a timeshare owner acquired a timeshare interest in the Resort, they acquired a share in the company, and a fractional interest in a lot of the Resort.

21. The titles of Lots 3 to 62 show the fractional ownership of each timeshare owner for the relevant lot. The titles also show that the lots are subject to 99-year leases made by the timeshare owners to the company. Those leases began on 27 December 1984.

22. The trustees were appointed as statutory trustees for sale of Lots 3 to 62 of the Resort, by an order of the Supreme Court of Queensland, made on 24 March 2022, under section 38 of the former *Property Law Act 1974* (Qld).

23. The court order:

- vested all scheme lots in the trustees, to be held upon trust to sell them and hold the proceeds, after paying costs and expenses, and any net income until sale (after paying rates, taxes, insurance, et cetera properly payable out of that income)
- required the trustees to appoint a valuer to determine the proportionate share of each Lot (a share) in the purchase price
- authorised the trustees to sell all lots jointly, together with the company selling Lots 1 and 2.

24. The court order required the trustees to distribute the proceeds in this order:

- (i) discharge encumbrances
- (ii) pay fees and costs associated with holding or selling the Resort (including agents fees, rates, et cetera)
- (iii) reimburse trustees for properly incurred expenses
- (iv) pay the proceeds for Lots 1 and 2 to the company
- (v) divide the balance into shares (1 for each Lot), with each share being divided into 51 co-owner shares, and pay the co-owner share to the co-owner (after deducting any debts), with different procedures for any outstanding mortgages.

25. The Resort was sold in the 2022 calendar year, with settlement occurring in late December 2022. The sale was effected by 2 interdependent sale contracts – one for the trustees, and one for the company.

26. The trustees and the purchasing entity were both willing but not anxious participants in the contract.

Class Ruling

CR 2024/23

Status: legally binding

27. The trustees placed the sale proceeds of Lots 3 to 62 of the Resort into interest-earning bank accounts while they began finalising distributions to timeshare owners.

Commissioner of Taxation

10 April 2024

Status: not legally binding

Appendix – Explanation

1 This Explanation is provided as information to help you understand how the Commissioner’s view has been reached. It does not form part of the binding public ruling.

Table of Contents	Paragraph
Capital gains tax	28
Interest income	39
Administrative penalties	43
Interest charges	47

Capital gains tax

28. CGT event A1 happens if you dispose of a capital gains tax (CGT) asset. See subsection 104-10(1).
29. You dispose of a CGT asset if a change of ownership occurs from you to another entity, whether because of some act or event or operation of law. However, a change of ownership doesn’t occur if you stop being the asset’s legal owner but you continue to be its beneficial owner. See subsection 104-10(2).
30. The Commissioner’s view is that CGT event A1 happens when a court appoints statutory trustees for sale. ATO Interpretative Decision ATO ID 2009/129 *Capital gains tax: land vested in a statutory trustee for sale, CGT event A1 or CGT event E1?* says a court order appointing statutory trustees for the sale of co-owned property effects a disposal. The order vests the property in the trustees and authorises them to convert the property into money. The co-owners lose their interest in the property, and receive a personal claim against the trustees to collect their share of the proceeds of sale.
31. Following ATO ID 2009/129, CGT event A1 happened to the timeshare owners’ interests in Lots 3 to 62 when the statutory trustees were appointed.
32. Subsection 104-10(3) says the time of the event (for CGT event A1) is:
- when you enter into the contract for the disposal, or
 - if there’s no contract, when the change of ownership occurs.
33. The time of the event will be the court order date. The trustees were appointed by court order in March 2022, so the timeshare owners didn’t enter a contract disposing of their timeshare interests in the Resort. Therefore, the time of the event will be when the court orders effected the change of ownership in March 2022, which is during the 2021–22 income year.
34. You have a capital gain from CGT event A1 if your capital proceeds for the CGT event are more than your cost base. See subsection 104-10(4).
35. Section 116-20 says the capital proceeds are the money and market value of property you have received (or are entitled to receive) in respect of the event happening.
36. Section 116-30 says that if you received no capital proceeds from a CGT event, you are taken to have received the market value of the CGT asset that’s the subject of the CGT event.

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Status: **not legally binding**

37. On these facts, the Commissioner accepts that timeshare owners capital proceeds in respect of the disposal of their timeshare interests (to the trustees) is equal to the share of the sale proceeds they will later receive from the trustees.

38. Timeshare owners will have a capital gain if their share of the sale proceeds is more than the cost base for their timeshare interest.

Interest income

39. Interest income is ordinary income under section 6-5, and derived when it's received or credited.

40. Division 6 of Part III of the *Income Tax Assessment Act 1936* applies to trust income. The interest derived by the trustees is trust income and is included in the net income of the trust estate in the income year they received it.

41. Under section 97 of the *Income Tax Assessment Act 1936*, beneficiaries who are presently entitled to a share of the income of the trust estate include their share of the net income of the trust estate in their assessable income for the corresponding income year.

42. In these circumstances, the Commissioner accepts that each timeshare owner was presently entitled to a percentage share of the total interest income derived by the trustees equal to their percentage share of the total sale proceeds.

Administrative penalties

43. Subdivision 284-B of Schedule 1 to the *Taxation Administration Act 1953* (TAA) is about administrative penalties for making false or misleading statements. Taxpayers may be liable for penalties if they make a statement to the Commissioner that's false or misleading in a material particular.

44. Division 286 of Schedule 1 to the TAA is about penalties for failing to lodge documents on time. Taxpayers may be liable for an administrative penalty if they are required to give a document to the Commissioner by a particular day and fail to do so.

45. The Commissioner has a discretion to remit administrative penalties under section 298-20 of Schedule 1 to the TAA.

46. The Commissioner will remit any penalties for timeshare owners that may be applicable if the timeshare owners lodge their returns or seek amendments of their assessments by 31 May 2024 and comply with the requirement in paragraphs 12 and 13 of this Ruling.

Interest charges

47. There are 2 types of interest charges. Shortfall interest charge (SIC), worked out under Division 280 of Schedule 1 to the TAA, applies on any additional income tax payable as a result of an amended assessment. General interest charge (GIC), worked out under section 5-15 and Part IIA of the TAA, applies to late payments. Section 280-160 of Schedule 1 to the TAA allows the Commissioner to remit SIC, and section 8AAG of the TAA allows the Commissioner to remit GIC, in circumstances specified in those provisions.

48. Law Administration Practice Statement PS LA 2006/8 *Remission of shortfall interest charge and general interest charge for shortfall periods* says it may be appropriate to remit SIC in some circumstances, including where the delay in reporting correctly

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Status: not legally binding

arose from circumstances outside the taxpayer's control, or where the taxpayer couldn't have been aware of the shortfall when lodging the return.

49. Law Administration Practice Statement PS LA 2011/12 *Remission of General Interest Charge* says it may be appropriate to remit GIC where:

- the Commissioner is satisfied that the circumstances contributing to delayed payment arose because of events beyond their control, and they took reasonable steps to mitigate, or
- ordinary and reasonable members of the community (who pay tax on time) would agree that it's fair and reasonable for the Commissioner to remit GIC.

50. The Commissioner considers that it's appropriate to remit SIC and GIC so long as:

- the SIC or shortfall GIC is solely attributable to shortfalls or tax liabilities arising from the income tax issues addressed in this Ruling
- the timeshare owners amend their assessments or lodge the relevant tax returns by 31 May 2024
- the relevant amendments or lodgments adopt the position outlined in this Ruling.

Class Ruling

CR 2024/23

Status: **not legally binding**

References

Legislative references:

- ITAA 1936 Div 6
- ITAA 1936 97
- ITAA 1997 5-15
- ITAA 1997 6-5
- ITAA 1997 104-10(1)
- ITAA 1997 104-10(2)
- ITAA 1997 104-10(3)
- ITAA 1997 104-10(4)
- ITAA 1997 116-20
- ITAA 1997 116-30
- TAA 1953 Pt IIA
- TAA 1953 8AAG

- TAA 1953 Sch 1 Div 280
- TAA 1953 Sch 1 280-160
- TAA 1953 Sch 1 Subdiv 284-B
- TAA 1953 Sch 1 Div 286
- TAA 1953 Sch 1 298-20
- Property Law Act 1974 (Qld) 38 (repealed)

Other references:

- ATO ID 2009/129
- PS LA 2006/8
- PS LA 2011/12

ATO references

NO: 1-10A72FWD

ISSN: 2205-5517

BSL: PW

ATOlaw topic: Administration ~~ Interest charges

Capital gains tax ~~ CGT events ~~ A1 - disposal of a CGT asset

Income tax ~~ Trusts ~~ Trust income ~~ Beneficiary assessable - section 97

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Appendix D



Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: BS13638/21

Applicant: **VOYAGER RESORT LTD ACN 010 547 618**

AND

Respondents: **ALAN SKELTON and the others described in the SCHEDULE OF RESPONDENTS****ORDER**

Before: Ryan J

Date: 25 March 2022

Initiating document: Originating Application filed 16 November 2021

THE ORDER OF THE COURT IS THAT:

1. Service is deemed to have been effected on:
 - (a) the One Hundred and Fourth Respondent;
 - (b) the One Hundred and Forty Eighth Respondent;
 - (c) the One Hundred and Seventy Seventh Respondent;
 - (d) the Two Hundred and Forty Second Respondent;
 - (e) the Two Hundred and Ninety Seventh Respondent;
 - (f) the Three Hundred and Thirty Second Respondent;
 - (g) the Four Hundred and Eleventh Respondent;
 - (h) the Six Hundred and Fifty Seventh Respondent;



ORDER
Filed on behalf of the Applicant
Form 59, Version 1
Uniform Civil Procedure Rules 1999
Rule 661

Mahoneys
Level 18, 167 Eagle Street
Brisbane Qld 4000
Tel: 07 3007 3777
Fax: 07 3007 3778
Ref: 25203

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- (i) the Six Hundred and Seventy Third Respondent;
 - (j) the Eight Hundred and Sixty Fourth Respondent;
 - (k) the Nine Hundred and Eighth Respondent;
 - (l) the One Thousandth and Twenty Third Respondent.
2. Notwithstanding non-compliance with paragraphs 3(a) and 6(a) of the Order made on 9 December 2021, the hearing of this application proceed.
 3. Geoffrey Graeme Heaton, Geoffrey Philip Walters and Angela Julian-Armitage (the **Trustees**) be appointed trustees of each of Lots 3 to 62 (inclusive) on BUP 6459 (the **Scheme Lot(s)**, and collectively with Lots 1 and 2 on BUP 6459, the **Property** and **Lot(s)**).
 4. Each Scheme Lot thereupon vest in the Trustees, subject to encumbrances affecting the entirety or any encumbrance which, prior to the appointment of the Trustees, affected any undivided share of a Scheme Lot, to be held by them upon trust to sell the same and to stand possessed of the share of the net proceeds, after payment of costs and expenses, and of the net income until sale after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoing, and pursuant to the priority in Order [11].
 5. The Trustees have liberty to apply without notice for directions in relation to the performance of their duties.
 6. The applicant's costs be paid on the indemnity basis and paid out of the proceeds of sale before division.

THE COURT DIRECTS THAT:

7. The Trustees:
 - (a) keep proper books of account in relation to all amounts received or expended by them;
 - (b) take out and maintain appropriate insurance;
 - (c) shall not be entitled to any remuneration;
 - (d) appoint a registered valuer to determine, following the Trustees entering into a contract of sale, the proportionate share of each Lot in the purchase price payable under the contract of sale, based on the respective value that each Lot represents to the value of all other Lots in the Property (once determined the **Share**), where such determination will, except in the case of manifest error, be final and binding on all respondents.

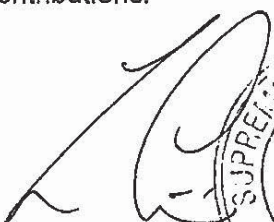
- 3 -

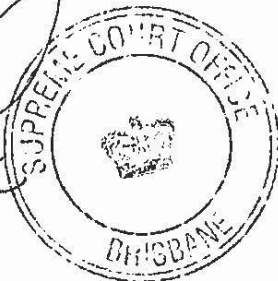
8. The Trustees may sell all Lots jointly:
 - (a) and so that they settle simultaneously;
 - (b) with the applicant in any sale of Lots 1 and 2 on BUP 6459
9. The Trustees be excused from complying with s 39(1) of the *Property Law Act 1974* (Q).
10. The net income of each Scheme Lot, after payment of rates, taxes, costs of insurance, repairs properly payable out of income and other outgoings, be paid to the applicant.
11. The proceeds of sale after payment of all expenses of and incidental to such sale be distributed in the following manner and priority:
 - (a) First, in discharge of any valid encumbrance over the title to the Property;
 - (b) Second, in payment of agent's commission, auctioneers and auction fees associated with the sale of the Property;
 - (c) Third, in payment of expenses and reasonable legal costs and disbursements incurred upon the sale of the Property;
 - (d) Fourth, in adjustment of council rates, water rates and other statutory imposts;
 - (e) Fifth, in payment of the costs of the applicant's costs of this proceeding;
 - (f) Sixth, in payment of the properly incurred expenses of the Trustees;
 - (g) Seventh, by the Share for Lots 1 and 2 being paid to the applicant;
 - (h) Eighth, by the Trustees retaining and dividing the balance into the Shares, before dividing each Share into fifty-one shares (each such share, a **Co-Owner Share**);
 - (i) Ninth, where a respondent's fractional interest in a Scheme Lot was not the subject of a registered mortgage immediately before sale, by paying the Co-Owner Share to that respondent Co-Owner after deduction of any debt due and owing to the applicant on account of any unpaid contributions;
 - (j) Tenth, where a respondent's fractional interest in a Scheme Lot was the subject of a registered mortgage immediately before sale, by:
 - (i) giving notice in writing to each such respondent Co-Owner and each such mortgagee as to the amount of the Co-Owner Share; and
 - (ii) thereafter, paying the Co-Owner Share as directed in writing by the respondent Co-Owner and the mortgagee, or as otherwise ordered by any court, but in any case where the Co-Owner Share is to be paid or is payable to the Co-Owner respondent, only after deduction of any

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debt due and owing to the applicant on account of any unpaid contributions.

Signed:


Deputy Registrar



Appendix E




ASIC

Australian Securities & Investments Commission

INFORMATION SHEET 43

Insolvency: a guide for shareholders

If a company is in financial difficulty, it can be put under the control of an independent external administrator. The role of the external administrator depends on the type of external administration.

This information sheet gives general information for shareholders on the three most common forms of external administration (liquidation, voluntary administration and receivership). Other forms of external administration are beyond the scope of this information sheet.

Liquidation

There are two types of liquidation for an insolvent company: creditors' voluntary and court. The most common type is a creditors' voluntary liquidation, which usually begins in one of two ways:

1. when creditors vote for liquidation following a voluntary administration or a terminated deed of company arrangement, or
2. when an insolvent company's shareholders resolve to liquidate the company and appoint a liquidator. Within 11 days of being appointed by shareholders, the liquidator must call a meeting of creditors who may confirm the liquidator's appointment or appoint another liquidator of the creditors' choice.

In a court liquidation, a liquidator is appointed by the court to wind up a company following an application, usually by a creditor.

The liquidator's role

The liquidator's role is to:

- collect, protect and realise the company's assets
- investigate and report to creditors about the company's affairs, including any unfair preferences which may be recoverable, any uncommercial transactions which may be set aside, and any possible claims against the company's officers
- enquire into the failure of the company and possible offences by people involved in the company and report to ASIC
- after payment of the costs of the liquidation, and subject to the rights of any secured creditor, distribute the proceeds of realisation—first to priority creditors, including employees, and then to unsecured creditors, and

Important note: This information sheet contains a summary of basic information on the topic. It is not a substitute for legal advice. Some provisions of the law referred to may have important exceptions or qualifications. This document may not contain all of the information about the law or the exceptions and qualifications that are relevant to your circumstances. You will need a qualified professional adviser to take into account your particular circumstances and to tell you how the law applies to you.

INSOLVENCY: A GUIDE FOR SHAREHOLDERS

- apply for deregistration of the company on completion of the liquidation.

Except for lodging documents and reports required under the *Corporations Act 2001* (Corporations Act), a liquidator is not required to do any work unless there are enough assets to pay their costs.

The directors' role

Directors cannot use their powers after a liquidator has been appointed. They must help the liquidator, including providing the company's books and records, and a report about the company's affairs.

Shareholders and liquidation

The liquidator's primary duty is to all of the company's creditors. The shareholders rank behind the creditors and are unlikely to receive any dividend in an insolvent liquidation unless they also have a claim as a creditor.

In a court liquidation, the liquidator is not required to report to the shareholders on the progress or outcome of the liquidation.

The liquidator is not required to hold a meeting of shareholders during a creditors' voluntary liquidation. A joint meeting of the creditors and shareholders must be held at the conclusion of the winding up.

Shareholders in both types of insolvent liquidation can request that the liquidator call separate meetings of shareholders and creditors to decide whether a committee of inspection should be appointed and, if so, who will represent the shareholders and creditors on the committee. However, the shareholder(s) making the request must pay the costs of calling and holding these meetings. A committee of inspection assists the liquidator, approves their fees and, in limited circumstances, approves the use of some of their powers.

A transfer of shares in a company or alteration of status of shareholders during a liquidation will not be effective unless the liquidator gives their written consent or the court permits. The liquidator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the liquidator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the liquidator refuses the alteration.

The liquidator can call on the holders of any unpaid or partly paid shares in the company to pay the amount outstanding on those shares.

If a liquidator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution in the winding up, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985. If no such declaration is made by the liquidator, the deregistration of a company at the end of the liquidation also enables realisation of any capital loss.

Financial reporting

Listed and very large companies usually have financial reporting obligations under the Corporations Act. ASIC has given relief so that such companies don't need to comply with these obligations if they

INSOLVENCY: A GUIDE FOR SHAREHOLDERS

are in liquidation. Also, public companies in insolvent liquidation don't need to hold annual general meetings (this does not apply to a section 509 meeting).

The liquidator must lodge a detailed list of their receipts and payments for the liquidation with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee. The liquidator must also make them available at their office for inspection by shareholders and creditors.

Voluntary administration

Voluntary administration is designed to resolve a company's future direction quickly. An independent and suitably qualified person (the voluntary administrator) takes full control of the company to try to work out a way to save either the company or the company's business.

If this isn't possible, the aim is to administer the affairs of the company in a way that results in a better return to creditors than they would have received if the company had instead been placed straight into liquidation. A mechanism for achieving these aims is a deed of company arrangement.

The voluntary administrator's role

After taking control of the company, the voluntary administrator investigates and reports to creditors on the company's business, property, affairs and financial circumstances, and on the three options available to creditors. These are:

1. end the voluntary administration and return the company to the directors' control
2. approve a deed of company arrangement through which the company will pay all or part of its debts and then be free of those debts, or
3. wind up the company and appoint a liquidator.

The voluntary administrator must give an opinion on each option and recommend which option is in the best interests of creditors.

The voluntary administrator has all the powers of the company and its directors. This includes the power to sell or close down the company's business or sell individual assets in the lead up to the creditors' decision on the company's future.

The voluntary administrator must also report to ASIC on possible offences by people involved with the company.

If a deed of company arrangement is approved, the voluntary administrator will usually become the deed administrator and oversee its operation.

The directors' role

Directors cannot use their powers while the company is in voluntary administration. They must help the voluntary administrator, including providing the company's books and records, and a report about the company's business, property, affairs and financial circumstances, as well as any further information about these that the voluntary administrator reasonably requires.

If the company goes from voluntary administration into a deed of company arrangement, the directors' powers depend on the deed's terms. When the deed is completed, the directors regain full control, unless the deed provides for the company to go into liquidation on completion.

If the deed is not completed and the company goes into liquidation as a result, the directors cannot use their powers, as discussed in the liquidation section above.

INSOLVENCY: A GUIDE FOR SHAREHOLDERS**Shareholders and voluntary administration**

A voluntary administrator isn't required to report to shareholders on the progress or outcome of the voluntary administration. Shareholders don't get to vote on the future of the company.

A transfer of shares in a company or alteration of status of shareholders during a voluntary administration will not be effective unless the voluntary administrator gives their written consent or the court permits. The voluntary administrator or the court will need to be satisfied that the transfer of shares, or the alteration in the status of shareholders, is in the best interest of the company as a whole and does not breach other sections of the Corporations Act that deal with the rights of shareholders.

When giving written consent to a transfer of shares in a company or alteration of status of shareholders, the voluntary administrator can impose conditions which must be satisfied before the transfer or alteration is effective. In the case of a transfer of shares, the current shareholder, the prospective shareholder, or a creditor, may apply to the court to set aside any or all of these conditions. Similarly, a shareholder or a creditor may apply to the court to set aside any or all conditions that must be satisfied for an alteration in the status to have effect. A shareholder or a creditor may also apply to the court to authorise an alteration in the status of shareholders if the voluntary administrator refuses the alteration.

Shareholders are bound by a deed of company arrangement approved by creditors. Also, the deed administrator may transfer shares in the company with the written consent of the shareholder or with the court's permission. A shareholder, a creditor, ASIC or any other interested person can oppose an application to the court by the deed administrator to approve a share transfer.

If a deed administrator makes a written declaration that they have reasonable grounds to believe there is no likelihood that shareholders will receive any further distribution at any time in the future, shareholders can realise a capital loss. To realise a loss, the shares in the company must have been purchased on or after 20 September 1985.

Financial reporting

The statutory financial reporting obligations of listed and very large companies remain while they are in voluntary administration or under a deed of company arrangement. ASIC has given relief so that a company in voluntary administration may defer meeting its financial reporting obligations for six months after the appointment of the voluntary administrator. ASIC may grant relief to a company under voluntary administration or subject to a deed of company arrangement from the requirement to hold an annual general meeting.

To get the benefit of this relief, ASIC must be notified that it is being relied on and the administrator must answer, free of charge, reasonable inquiries from shareholders about the administration during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of the period.

At the end of this deferral period, if the company is still in voluntary administration or under a deed of company arrangement, ASIC may give the company an exemption or further deferral from all or some of their financial reporting obligations in certain circumstances.

ASIC may also give an extension of time for the annual general meeting or decide to take no action for failure to hold the annual general meeting if a public company is in voluntary administration or under a deed of company arrangement.

A voluntary administrator and a deed administrator must lodge a detailed list of receipts and payments with ASIC every six months and at the end of their administration. A copy of these statements of

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receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

Receivership

A company goes into receivership when an independent and suitably qualified person (the receiver) is appointed by a secured creditor or, in special circumstances, by the court to take control of some or all of the company's assets. A secured creditor is someone who has a charge, such as a mortgage, over all or some of a company's assets.

Court receiverships are not covered in this information sheet.

The powers of the receiver are set out in the charge document and the Corporations Act.

If a receiver has, under the terms of their appointment, the power to manage the company's affairs, they are known as a receiver and manager.

The receiver's role

The receiver's role is:

- to collect and sell enough of the charged assets to repay the debt owed to the secured creditor
- if they have been appointed under a fixed charge (e.g. over land, plant or equipment), to pay out the money collected:
 - first, to pay the secured creditor, and
 - second, if there are any funds left over, to pay this surplus to the company or its other external administrator if one has been appointed
- if they have been appointed under a floating charge (e.g. over cash, debtors or stock), to pay out the money collected:
 - first, to pay priority claims (including certain employee entitlements)
 - second, to pay the secured creditor, and
 - third, if there are any funds left over, to pay the company or its other external administrator if one has been appointed, and
- to report to ASIC any possible offences or other irregular matters.

The receiver is usually paid from the money collected during the receivership.

The directors' role

Receivership does not affect the legal existence of the company. The directors continue to hold office, but their powers depend on the powers of the receiver and the extent of the assets over which the receiver is appointed.

Control of the charged property, which often includes the company's business, is taken away from them.

Directors must provide the receiver with a report about the company's affairs and must allow the receiver access to books and records relating to the charged property.

Shareholders and receivership

The receiver's primary duty is to the company's secured creditor. The main duty owed to unsecured creditors and shareholders is an obligation to take reasonable care to sell charged property for not less

INSOLVENCY: A GUIDE FOR SHAREHOLDERS

than its market value or, if there is no market value, the best price reasonably obtainable. A receiver also has the same general duties as a company director.

There is no obligation for the receiver to report to the shareholders on the progress or outcome of the receivership.

Financial reporting

The statutory financial reporting obligations of listed and very large companies remain while it is in receivership, as do the requirements for public companies to hold annual general meetings.

However, ASIC has given relief so that a company with a receiver appointed to the whole or substantially the whole of its property may defer meeting its financial reporting obligations for six months after the receiver's appointment.

To get the benefit of this relief, the receiver must tell ASIC they are relying on it, and agree to answer, free of charge, reasonable inquiries from shareholders about the receivership during the deferral period. If the company is listed, the relevant stock exchange must also be told. The relief also provides for the use of alternative methods of distributing an annual report to shareholders at the end of this period.

At the end of this deferral period, ASIC may give an exemption or further deferral from all or some of the financial reporting obligations, in certain circumstances. ASIC may also give an extension of time for the annual general meeting, or decide to take no action for failure to hold the annual general meeting.

The receiver must lodge a detailed list of their receipts and payments for the receivership with ASIC every six months. A copy of these statements of receipts and payments may be obtained from any ASIC Business Centre, on payment of the relevant fee.

To find out more

For an explanation of terms used in this information sheet, see ASIC information sheet INFO 41 *Insolvency: a glossary of terms*. For more on voluntary administration, liquidation and receivership, see ASIC's related information sheets, available at www.asic.gov.au/insolvencyinfosheets:

- INFO 74 *Voluntary administration: a guide for creditors*
- INFO 75 *Voluntary administration: a guide for employees*
- INFO 45 *Liquidation: a guide for creditors*
- INFO 46 *Liquidation: a guide for employees*
- INFO 54 *Receivership: a guide for creditors*
- INFO 55 *Receivership: a guide for employees*
- INFO 42 *Insolvency: a guide for directors*
- INFO 84 *Independence of external administrators: a guide for creditors*
- INFO 85 *Approving fees: a guide for creditors*

These are also available from the Insolvency Practitioners Association (IPA) website at www.ipaa.com.au. The IPA website also contains the IPA's Code of Professional Practice for Insolvency Professionals, which applies to IPA members.

You may also wish to check the website of the external administrator's firm and the company's website for any information on a particular external administration.

Certificate identifying annexure
(rule29.02)

Federal Court of Australia
District Registry: Queensland
Division: General

No. QUD13/2025

IN THE MATTER of VOYAGER RESORT LIMITED (In Liquidation)
ACN 010 547 618

**BRADLEY VINCENT HELLEN AND NIGEL MARKEY AS JOINT AND SEVERAL
LIQUIDATORS OF VOYAGER RESORT LIMITED**

Plaintiff

The following 1 page is the annexure marked "BVH-33" produced and shown to BRADLEY VINCENT HELLEN at the time of affirming his affidavit this 24th day of February 2025.


.....
Benjamin Leigh Sandford

Annexure "BVH-33"

List of unclaimed distributions

.....

Filed on behalf of Bradley Vincent Hellen and Nigel Markey as joint and several liquidators of voyager resort limited, Plaintiff

Prepared by Benjamin Leigh Sandford

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