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SOLICITOR & ATTORNEY

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Our ref: DJHH/DUFF/ES1
Your ref:
Date: 13 March 2013 *

His Honour Justice Hallen
Supreme Court of NSW
Queens Square
SYDNEY 2000

Dear Sir,

RE: TASMAN HERBERT DUFFY -V- JULIET LEE DUFFY and TUULA DUFFY
RE: SUPREME COURT PROCEEDINGS 2012/134698
RE: TASMAN HERBERT DUFFY -V- ESTATE LATE RAYMOND HERBERT DUFFY
RE: SUPREME COURT PROCEEDINGS 2013/33586
RE: SUMMONS FOR ADMINISTRATION
RE: SUPREME COURT PROCEEDINGS 2013/33577

I advise I have ceased to act for the Plaintiff in the above proceedings numbered 2012/134698 and 2013/33586.

I am filing a Notice of Ceasing to Act.

Proceedings number 2013/33577 are related proceedings.

In the few weeks that I have acted for the plaintiff, I have become aware of serious matters of fraud and the necessity to join a party to the proceedings that have come to light as a result of the investigations carried out on the plaintiff's behalf prior to me acting

1. I have sought advice from the Law Society.

2. The Law Society has advised I have an overarching responsibility to advise these matters to the Court.

I had discussed with Mr Rocco Ardino for Tuula Duffy and Mr Greg O'Mahoney, Counsel for Juliet Duffy for us to work together on a letter to the Court in relation to these matters.

However, as I have ceased to act for the Plaintiff, as an Officer of the Court I advise the Court the following.

[Handwritten mark]

His Honour Justice Hallen

13 March 2013

It appears the deceased Raymond Herbert Duffy who died on 16 January 2012 defrauded the following:

1. The late Agnes Beatrice Duffy during her lifetime pursuant to Power of eAttorney dated 21 July 2011 in the use of her bank accounts.
2. The Estate of the late Agnes Beatrice Duffy who died on 26 March 2011 in his role as Executor of her Estate.

The Estate of the late Agnes Beatrice Duffy was to be divided equally between Raymond Herbert Duffy and his sister Colleen Duffy.

Colleen Duffy resides in a Nursing Home and has mental disability that I understand includes autism and psychosis, which are also disabilities of the plaintiff.

Raymond Herbert Duffy received the whole of the proceeds of the Estate of the late Agnes Beatrice Duffy and paid them into a St George Bank Cheque Account 438 294 656 by deposits of \$20,000.00 on 13 December 2011, \$668,164.92 on 14 December 2011 and \$1,221.70 on 11 January 2012.

He paid monies to benefit himself and others from that account including both defendants Tuula Duffy and Juliet Duffy as well as Colleen Duffy and others.

Colleen Duffy appears to have benefited by payments of \$84,634.00 and \$24,011.32 totalling \$108,645.32 for Colleen's nursing home bond.

The balance of the bank account shows it had been diminished such that in repaying the mortgage over his Tweed Heads home for \$272,452.99 on 21.12.2011 that payment included \$116,932.72 of monies due to Colleen Duffy.

3. I believe that Colleen Duffy is unaware that she has been defrauded and the Court must have her joined to the proceedings.
4. Consideration need be made as to whether the Public Guardian should act on her behalf.
5. Further investigations need to be carried out as to the extent and effect of the above misappropriations.

Yours faithfully,
DAVID J.H. HOOPER,

[Signature]
Per:
DJHH/dls

* As at 01 Oct 2014 there have been a further 22 Court hearings and nothing has been mentioned about this Fraud Allegation by my subsequent legal representatives or the Court

HIS HONOUR: Where is that judgment?

STEWART: We don't have a copy of that. I recall it was an ex temp judgment.

DUFFY: I was told by Justice White to provide information about Tasman's needs and as soon as I was back in Court that year--

HIS HONOUR: Ms Duffy, it sounds to me that what I have been telling you, you have already been told by another judge. At the moment there is no information on the court file in the affidavits unless you can point me to some.

There is no evidence about Tasman's financial and material circumstances. I will hand down the affidavits you asked me to read earlier so you can look through them quickly and see if there is any information about Tasman's financial position and current needs in the affidavits you handed up.

I am handing down the affidavit of 4 February. Affidavit of 7 May and two affidavits that you handed to me this morning of Mr Gould and one of yourself.

Just look through them and tell me if there is anything I have missed that deals with the financial circumstances of Tasman and his age or information about him at all.

DUFFY: No, your Honour it was provided by my previous solicitor, Clive Mills.

HIS HONOUR: Could I have those affidavits back. Those are the only affidavits to which you referred me this morning so I do not have any other affidavits on the court file, which I have already indicated to.

If those affidavits have been done and they are current then it may be that you can rely on them. I'm not sure because I haven't seen them. So if you are going to proceed with your notice of motion then at least all of that information needs to be on the court file. How long do you need to get together the evidence?

DUFFY: One day, your Honour.

HIS HONOUR: Ms Duffy, can I suggest you take a little bit more consideration of what you need to do in this matter. One day doesn't demonstrate to me you have given consideration to what I have said.

DUFFY: One month.

HIS HONOUR: Take a seat.

I direct the defendant to take such steps as are left to be taken in order to obtain administration of the deceased's estate within seven days of today, including but not limited to the filing of all documents necessary in the Court registry as well as responding to any requisitions that have to date been issued by the Court.

17/20

Register of Disciplinary Action

PRACTITIONER NAME: Ardino, Rocco Michael

PRACTITIONER TYPE: Solicitor

DATES OF ADMISSIONS: 16/07/1976

FIRM NAME: Morgan Ardino & Co

BUSINESS ADDRESS or FORMER ADDRESS: Suite 44 23 Norton Street Leichhardt NSW 2040

PLACE OF ISSUE OF PRACTISING CERTIFICATE: New South Wales

SUBSTANCE OF CONDUCT MATTER: Delay

FINDING: A reasonable likelihood of a finding of unsatisfactory professional conduct

BY: Legal Services Commissioner (NSW)

DATE: 09/24/2007

DISCIPLINARY ACTION: *** * Reprimand

Should you require further information on this matter you should contact:

Law Society of NSW on 9826 0333
NSW Bar Association on 9228 1748
Office of the Legal Services Commissioner on 9377 1800

NSW
Lawlink
Attorney General & Justice
Office of the Legal Services
Commissioner

Ardino, Rocco Michael, Solicitor, Morgan Ardino & Co

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