

**Senate Select Committee on
Superannuation and Financial Services**

**Main Inquiry
Reference (a)**

Submission No. 186

Submittor: Mr D Gillie, Mrs S Sutcliffe &
Mr B Griffin
Contact: Mr D Gillie
57 Windsor Street
GLENORCHY TAS 7010

Mr D. Gillie
57 Windsor Street
Glenorchy
Tas 7010.

Senator Nick Sherry
Burnie Tas

Dear Senator Sherry

We are writing in regard to the solicitor's trust fund enquiry, in particular as it relates to our late mother's estate - Mrs Alice Gillie who passed away in August 1997; to date the estate has not been settled.

We believe that the terms of reference for the senate enquiry may be appropriate for our case as it involves solicitor's trust funds and unaccounted monies. The details of the case can be supported by documented evidence. Please accept this submission and consider it along with the other submissions that have been made to this enquiry.

Mrs Gillie had investments with Messrs Henry, Wherrett & Benjamin. We understand her solicitor was a Mr Langridge. We have been told that Mr Langridge moved to a firm with Mr Phillip Keal, taking Mrs Gillie's files and custom with him.

Mr Barry Griffin (a beneficiary) has evidence that Mrs Gillie had funds invested in solicitor's mortgage accounts. Mrs Gillie used to ask Mr Griffin, (her nephew) to check her monthly statements. Mr Griffin is happy to substantiate and expand upon this.

Mr Griffin has estimated that excluding a property at Windsor St Glenorchy, Mrs Gillie's liquid assets and investments should have been in excess of \$100,000.00 at the time Mrs Gillie passed away, but the trustee's inventory showed only a balance of \$27,000.00.

We have asked on numerous occasions that the trustees and the trustees' solicitor, Mr Phillip Keal, explain what has happened to Mrs Gillie's investments and assets, to date without adequate explanation.

We know Mrs Gillie sold and settled one of her properties (Jubilee Avenue, Brighton), the family home, on 21 February 1994. A Mr Stops (solicitor) wrote to state he would forward the proceeds to Mr Phillip Keal's trust account, however, we cannot understand what then happened to these funds.

On 7 February 1994, prior to the sale of this property, three daughters (including two trustees) were loaned \$15,000.00, \$15,000.00 and \$10,000.00 respectively, but the loan documents are dated prior to the property sale and therefore cannot be from the proceeds of the sale of the property. The acknowledged loan documents are in the custody of Mr Phillip Keal. Mr Keal has suggested that these loans were from the sale of the above property but settlement was not until 21/2/94, so how can this be so?

Even though probate was granted on 13 March 1998, the estate has not been settled. The trustees refused to administer the estate as ordered by the Supreme Court. A TFMA claim was made against the estate on 20 July 1998, after probate had been granted. Mrs B Fahey, had placed a caveat on the estate, which she did not pursue. Then probate was granted but not administered. Mrs Fahey then obtained a second claim, which was a Consent Order, but we did not consent to any such claim.

The trustees and their solicitors Avery Keal, have written to us stating they will not communicate with us, yet they expect an outcome to the TFMA claim that is acceptable to them.

How can any fair or reasonable negotiation take place when no answer has been given to explain what has happened. We would like answers to where when, why and by whom mother's investments, accounts and financial affairs were distributed.

We will provide a full history of events that have occurred in this matter, together with supporting documentation at your request.

We also wish to make known our concerns about the lengthy delay and inappropriate manner in which our late mother's estate is being handled. The whole situation is beyond our comprehension.

We look forward to your considered comment and any advice or direction that you may be able to provide to enable us to come to some sort of satisfactory conclusion after four years of unsuccessful attempts.

Mr D Gillie
Mrs S Sutcliffe
Mr B Griffin