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

39 Alan Avenue,
Hornby NSW 2077
All mail to:
P.O. Box 714 Hornby 1630
DX 9687 Hornby NSW
Our ref: DJHH/DUFF-EST
Your ref:
Date: 13 March 2013

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.

I have sought advice from the Law Society.

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.



(J)

His Honour Justice Hallen

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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. Raymond Herbert Duffy appears to have misappropriated monies of Colleen Duffy prior to his death from the time she entered a Nursing Home in about July 2010.

I believe that Colleen Duffy is unaware that she has been defrauded and the Court must have her joined to the proceedings.

Consideration need be made as to whether the Public Guardian should act on her behalf.

Further investigations need to be carried out as to the extent and effect of the above misappropriations.

Yours faithfully,
DAVID J.H. HOOPER,



Per
DJHH/dia