

Monday, 4<sup>th</sup> November 2019

Mr Terence Goldberg  
Turner Freeman Lawyers  
Level 12, 160 Sussex Street  
Sydney NSW 2000

Dear Mr Goldberg

***Re: Supreme Court proceedings 2009/00291458-001***

I refer to the Application for Assessment of Solicitor/Client Costs as filed with the Court by yourself on 23<sup>rd</sup> June 2010 in relation to the abovementioned Supreme Court proceedings. In such Application you state on multiple occasions that you acted for the Enmore Spiritualist Church Incorporated.

As you are well aware, the Enmore Spiritualist Church Incorporated was listed as the sixth defendant in the abovementioned Supreme Court proceedings. You are also well aware that the sixth defendant remains on the Court record as an unrepresented party, with no firm of solicitors acting on its behalf.

Given that you acted for the four plaintiffs in such proceedings, and given also that the sixth defendant was unrepresented in same, can you please explain to me your claim that you acted for the Enmore Spiritualist Church in such Application to the Court for assessment of your firm's professional costs. As can be seen, the situation and your actual statement are distinctly dichotomous, as well as such scenario being a breach of Rule 7.25 of the Uniform Civil Procedure Rules which states that a law firm cannot act for both and opposing parties in any same Court proceedings.

Further, in that same document, you explicitly state that there were only five defendants, when in fact there were six.

You are also well aware that the premises of 2 London Street, Enmore, was sold in June 2011 for \$965,000.00 in order to pay your claimed debt of \$124,661.90, although documents state that your firm was in fact paid the sum of \$188,303.60 (on 20<sup>th</sup> December 2012). Given other claimed and disputed debts against our now defunct church, the monies remaining should have been in the region of some \$700,000.00.

On perusing the website of the Australian Charities and Not-for-profits Commission, it is stated that in the financial year of 2016/2017, the remaining monies as belonging to our now defunct church were placed into a Trust, with such Trust having been set up by your firm.

Also, as per the same website, an amount in the region of \$985,447.00 entered such Trust in that period. As can be plainly seen, this sum is far in excess of the remaining monies as belonging to the original entity.

Given the appearance of a distinct conflict of interest, are you able to explain your input in the creation of such Trust, and are you also able to explain the origins of the seeming excess of such funds?

At this point it is worthy of mention that your firm was in fact involved in the creation of two separate entities; one of which being the abovementioned Trust. Both of these said entities have been set up as charities with almost identical names, with the sole objective of the said Trust to provide funds to the second created entity. The second entity at this moment in time has no particular function, and holds little funds in its account, and a long-time acquaintance of yours, at the time of the second entity's inception, was registered as the public officer of such.

The constitution of the original and now defunct entity provides that on the winding up of such that all assets belonging to it be provided to a likewise association or charity. It would appear that Turner Freeman therefore created likewise associations to receive those assets.

It remains pertinent that at the present moment in time, the ACNC website states that the abovementioned Trust now holds the amount of \$517,980.00 in its account. The ACNC website also states that the said Trust had expenses of \$492,307.00 in the financial year of 2016/2017. The cause of these expenses and where these funds went is presently unknown.

Also, and despite a number of various correspondences to you, the divergent statement that you acted for the sixth defendant (an unrepresented party) in Supreme Court proceedings when you acted for the four plaintiffs remains without any plausible or cogent explanation.

I also **attach** to this correspondence a previous letter to you of 15<sup>th</sup> November 2016 which relates directly to the above and which remains without any sort of reply from you or your firm.

Please let me know at your earliest convenience if any of the above is incorrect.

I copy this letter to various authorities, and I look forward to your swift response.

Yours faithfully

A handwritten signature in blue ink that reads "Symn Waters". The signature is written in a cursive, slightly slanted style.

Symn Waters

Tuesday, 15<sup>th</sup> November 2016

Mr Terence Goldberg  
c/- O'Brien Hudson Criminal Lawyers  
1/281-283 Elizabeth Street  
Sydney NSW 2000

Dear Mr Goldberg

*Re: Enmore Spiritualist Church Incorporated*

On 29<sup>th</sup> May 2014, you attended a purported meeting of the creditors of Enmore Spiritualist Church Incorporated ("**the Church**"). You were the only purported creditor to attend this meeting at the offices of Jones Partners ("**the Liquidator**"); a meeting known to you to be unlawful due to a breach of section 5.6.16(2) of the Corporations Regulations.

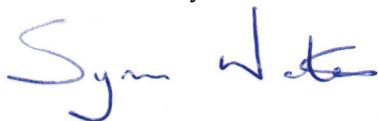
In that meeting you discussed the creation of a new entity by the name of 'The Congregation of the Enmore Spiritualist Church Incorporated'. You are aware that a long time associate of yours, Mr Jon Lindsay, is the public officer of this new entity and such new entity is based at the home address of Mr Lindsay.

You are aware that the assets belonging to the Church have been or are about to be transferred to that new entity.

The Department of Fair Trading states that the Liquidator paid Turner Freeman in full, to the amount of \$188,303.60, on 20<sup>th</sup> December 2012.

As Turner Freeman was clearly not a creditor of the Church on 29<sup>th</sup> May 2014, on what basis did you attend a meeting of creditors at the offices of the Liquidator on that date?

Yours faithfully



Symn Waters