

Monday, 4th 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 23rd 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 20th 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 15th 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

Wednesday, 12th February 2020

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

Dear Mr Goldberg

Re: Improper conduct

I write further to and also in relation to my letter to you of 4th November 2019.

This letter is to be read in conjunction with such previous letter, and I **attach** copy of such for reference. To date, you have not provided any response.

As you know, you and your firm created both a Trust and a separate incorporated association, with both set up as charitable bodies, for the purposes of capturing the substantial residue of the now defunct Enmore Spiritualist Church Incorporated ("the original entity").

Of course, we know that you and your firm created such entities as such is stated in the minutes of a 'meeting of creditors', which you attended at the offices of Jones Partners ("the Liquidator") on 29th May 2014; and also, your firm's name appears on the cover of the Constitution of the newly set up incorporated association, with your personal references dotted throughout the same document, ie "TLG:/125386". I **attach** a copy of the said Constitution.

As you would be absolutely aware, the Trust as created with your input has only one objective, ie to provide funds to the newly created incorporated association. To date, the said incorporated association has no apparent function, and no apparent activities.

You are also absolutely aware that the original entity was the sixth defendant in Supreme Court proceedings in which you acted for the four plaintiffs (ie, 2009/00291458-001), and in which the sixth defendant was an unrepresented party, and from whom you improperly sought your clients' costs.

I will focus on the Constitution of the newly created incorporated association for a moment. As you are no doubt aware, the last three pages of that document contain the names of 19 supposed memberships. However, having verified those names and addresses against the electoral roll, the details of one membership only appears to actually tally with such.

In fact, a number of the names as specified in the said membership list do not actually appear on the electoral roll at all. It is also interesting that the Australian Charities and Not-for-profits Commission received a request, presumably from your firm, to obscure the last three pages of such document in order to prevent public scrutiny of the said membership details.

You are still to explain your attendance at the abovementioned meeting of creditors (with you being the sole attendee) at the offices of the Liquidator on 29th May 2014. As you know, NSW Fair Trading has confirmed that Turner Freeman was paid in full, by the Liquidator, of the debt claimed against the original entity on 20th December 2012.

It is also of note that in the abovementioned meeting of creditors of 29th May 2014, it is minuted that you personally discussed the creation of the abovementioned Trust and incorporated association, with such Trust ultimately being created on 16th December 2016, and the said incorporated association being registered with ASIC on 21st October 2015.

A letter from NSW Fair Trading of 17th October 2016 confirms the movement of the residue of funds as belonging to the original entity, again by the Liquidator, into the Trust you and your firm created. It is of interest as the date of such letter from NSW Fair Trading actually precedes the inception of the said Trust. One of the many anomalies and inconsistencies in this entire matter.

I await your response to this and to my previous correspondence to you.

Yours faithfully

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

Symn Waters