

*Prepared by the Solicitor for the
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FAMILY LAW ACT 1975

**IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA
(DIVISION 2)**

AT ADELAIDE

No. (P)SYC3210/2022

BETWEEN

BIANCA KAREN DALY

(Applicant)

AND

MYLIN JOHN GOODWIN

(Respondent)

FINAL ORDER
17/1/2023

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FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA
(DIVISION 2)

FILE NO: (P)SYC3210/2022

BETWEEN: BIANCA KAREN DALY (Applicant)

AND: MYLIN JOHN GOODWIN (Respondent)

BEFORE: JUDGE PARKER

DATE: 17 January 2023

MADE AT: ADELAIDE IN CHAMBERS

UPON APPLICATION MADE TO THE COURT pursuant to Part 10.2 of the *Federal Circuit Court and Family Court of Australia (Family Law) Rules 2021* being considered in Chambers and there being no need for an appearance by the parties.

BY CONSENT THE COURT ORDERS THAT:

1. That within 14 days from the date of these Orders, the parties authorise and direct the husband's solicitors, Willis & Bowring to distribute the proceeds of sale of the property at 2/23 Drake Avenue, Paradise Point, Queensland held in their Trust Account in the following matter:

(a) The sum of \$160,000 to the wife into her nominated bank account as directed by her;

(b) The balance to the husband.

2. That the wife shall retain, to the exclusion of the husband and be declared pursuant to Section 78 of the Family Law Act 1975 the sole legal and equitable owner of the following assets:

(a) Her interest in Granada Properties Pty Ltd;

(b) All monies standing to her credit in any bank account;

(c) All shareholdings in her name;

(d) The wedding and engagement ring; and



- (e) Her superannuation entitlements with Rest Super.
3. That the husband shall retain, to the exclusion of the wife and be declared pursuant to Section 78 of the Family Law Act 1975 the sole legal and beneficial owner of the following assets:
- (a) His shares in Creeside Pty Ltd, Braveheart Investment Group Pty Ltd and Bellevue Private Investments Pty Ltd;
 - (b) All monies standing to his credit in any bank account;
 - (c) All shareholdings in his name;
 - (d) Subject to Order 6 below, his superannuation entitlements in the Goodwin Super Trust.
4. Each party shall be responsible for the payment of all liabilities currently in their name, including any capital gains tax on the sale of assets in their name and shall indemnify and keep indemnified the other party in relation to those liabilities.
5. That unless otherwise specified in these Orders each party shall be solely entitled to retain and be declared the sole beneficial owner to the exclusion of the other of all personality, property and chattels of whatsoever nature and kind including but not limited to superannuation entitlements, shares, bank and building society accounts in the possession custody or control of such party as at the date of these orders and accept responsibility for the liabilities, if any, presently in their name and that they shall indemnify the other party in respect of any such payments.
6. That within 21 days of the date of these Orders, the Respondent in his capacity as director for Creeside Pty Ltd, trustee for the Goodwin Super Trust shall do all such acts and things necessary to cause a base amount of \$116,000 as required by s90XT(4) of the Family Law Act 1975, to be paid to the Wife's existing interest in Rest Superannuation (Member Number: 119564483) out of the Husband's interest in Goodwin Super Trust.

(a) That in accordance with 90XT(1)(a) of the Family Law Act 1975:

(i) The Wife is entitled to be paid the amount calculated in accordance with Part 6 of the Family Law (Superannuation) Regulation 2001; and

(ii) The Husband's entitlement in the Goodwin Super Trust is correspondingly reduced by force of this order.



- (b) That the Trustee of the Goodwin Super Trust (“the Trustee”) shall do all acts and things and sign all such documents as may be necessary to:
- (i) Calculate, in accordance with the requirements of the Family Law Act 1975 and the Family Law (Superannuation) Regulations 2001, the entitlement created for the Wife by these Orders; and
 - (ii) Pay the entitlement whenever the Trustee makes a splittable payment out of the Husband’s interest in the Goodwin Super Trust.
- (c) That these Orders have effect from the operative time and the operative time for this Order is four (4) business days after the date of service of these Orders upon the Trustee.
- (d) That these Orders bind the Trustees of the Goodwin Super Trust.
7. The Respondent acknowledges that in his capacity as director for Creeside Pty Ltd, trustee for the Goodwin Super Trust that the Goodwin Super Trust has been afforded procedural fairness in the making of these Orders.
8. That in the event that either party refuses or neglects to execute any deed or instrument necessary to give effect to these orders, that the Registrar or a Deputy Registrar of the Family Court of Australia or the Federal Circuit Court of Australia at Sydney be appointed pursuant to a 106A of the Family Law Act to execute the deed or instrument in the name of that party and do all acts and things necessary to give validity and operation to the deed or instrument.
9. All extant applications are otherwise dismissed.



By the Court

Registrar