

FAMILY LAW PROPERTY Declaration under s 90SL because applicant is bankrupt Family Law Act 1975 (Cth) APPLICANT: Mr Trent RESPONDENT: Ms Rowley FILENUMBER: MLC 10211 of 2011 DATE DELIVERED: 4 July 2014 PLACE DELIVERED: Melbourne PLACE HEARD: Melbourne JUDGMENT OF: Cronin J HEARING DATE: 4 July 2014 REPRESENTATION THE APPLICANT: No appearance COUNSEL FOR THE RESPONDENT: Mr Korfiatis SOLICITOR FOR THE RESPONDENT: Webb Korfiatis ORDERS Thatpursuant to s 90SL of the Family Law Act 1975 (Cth), it is declared thatMr Trent and his bankrupt estate have no interest in the property at C Street,Suburb D, Victoria. Thatall outstanding applications are otherwise dismissed. Thatthe reasons this day be transcribed. IT IS NOTED thatpublication of this judgment by this Court under the pseudonym Trent &Rowley (No. 2) has been approved by the Chief Justice pursuant to s121(9)(g) of the Family Law Act 1975 (Cth). FAMILY COURT OF AUSTRALIA AT MELBOURNE FILE NUMBER:MLC 10211 of 2011 Mr Trent Applicant And Ms Rowley Respondent REASONS FOR JUDGMENT On25 June 2014, I summarily dismissed an application by Mr Trent that had beenfiled on 15 November 2011 seeking orders against MsRowley. It was commonground that the parties had been in a de facto relationship and proceedings hadbeen commenced in this Courtin 2011 by Mr Trent seeking an alteration of theinterests of the parties in property. Specifically, what he was seeking was analteration of the interests that the respondent had in a property at C street,Suburb D. The evidence filed by the respondent on14 June 2013 for the purposesof the trial was that she was the registered proprietor of that property andthat she had owned itat the commencement of cohabitation. Thetrial was part heard and adjourned at a time when Mr Trent was certainly in thethroes of filing a bankruptcy petition. He thenwent bankrupt. I do notpropose to repeat the basis upon which the summary dismissal order was made, butit is clear from an affidavitfiled by the respondent on 28 March 2014, inannexing to that document a copy of the statement of affairs of Mr Trent, that,at thetime that he went into bankruptcy, he declared that he had no assets, andtherefore, I presume he claimed no interest in the propertyin C Street, SuburbD. Atthat time, there was an extant application for alteration of interests in the CStreet property. The trustee who became a partof the court process, but notnecessarily joined in the process, abandoned any such claim. In

the circumstances, the position of the respondent about the ownership of that property is quite clear. The respondent, in filing a response, sought a variety of orders which she today abandons on the basis that they are pointless. However, there is a caveat on the title to the C Street property lodged by the applicant. Because there may be some complexities about the removal of that caveat, the respondent seeks a declaration under s 78 of the Family Law Act 1975 (Cth) (the Act) that the applicant has no interest in the property. Section 90SL provides that: In proceedings between the parties to a de facto relationship the court may declare the title or rights, if any, that a party has in respect of the property. Having regard to what I have just said and the reasons that I gave for the summary dismissal, I am satisfied that Mr Trent has no interest in the C Street property, and I make a declaration accordingly. I certify that the preceding five (5) paragraphs are a true copy of the reasons for judgment of the Honourable Justice Cronin delivered on 4 July 2014. Associate: Date: 15 October 2014

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