



Stephen Cooke <stephencooke.c@gmail.com>

Subject: Financial Considerations and Trust Account Inquiry

2 messages

Stephen Cooke <stephencooke.c@gmail.com>

Wed, Jul 3, 2024 at 12:34 PM

To: Matthew Shepherd <mshepherd@ramsdenlaw.com.au>

Hi Matthew,

I hope this email finds you well. I have several items that need clarification before I can make a decision regarding the "deal in the works" or decide if it is better to proceed to a final hearing. In any event, I'd like for my following concerns to be made known on the July 9th 2024 mention.

- 1. Trust Account Inquiry:** I need to understand the details of the trust account that has been established. Please refer to my other email for the specific questions I have regarding this matter. I need to better understand the nature of the trust account because I need to know if, by consequence, it will make me more liable for the overall liabilities than Heather.
- 2. Equity Distribution:** Heather is currently prepared to agree to 67% (my interest) and 43% (her interest). The rationale for me realizing slightly more than 50% is due to my lack of credit resulting from a significant gap in my employment. Additionally, there should be consideration for my role as a stay-at-home dad, tending to the children, which was necessary due to Heather's demanding career as a cardiologist. I also need to understand if Heather refuses to recognize my parental contribution in this regard and I settle at mediation, can that omission of my parenting contribution be used in a subsequent parenting order? Or, does it better serve my interest if my parenting contribution is recognized at mediation, providing a basis for a Judge to consider in a future parenting order? I need to understand this completely as it may impact my decision to proceed to a final hearing.
- 3. Proposed Interest Realization:** Heather has agreed to my interest being 57% and suggested it be realized through two means:
 1. 100% proceeds from the sale of the marital home, and
 2. \$40,000 additional superannuation from Heather.

Is this correct?

- 4. Heather's Financial Position:** It has been stated that Heather has no more cash available because the funds she withdrew from our joint accounts an hour before announcing the separation were either sent to the ATO or spent on maintaining two addresses and expenses for the boys. **Can this be verified? What is the Business and personal expenses of \$146,000?**
- 5. Tax Assessment Concerns:** Regarding my 2023 tax assessment, please see the attached supporting evidence showing where I have requested Walsh complete my return and my efforts to follow up. To be perfectly honest, however, I am not in a position to lodge a return. The creation of the trust account raises too many questions. The Walsh accountant, Simon, has been filing my return for nearly a decade. Ideally, it needs to be lodged by Walsh, and Heather should assume any liabilities.

I feel I will need to hire a reasonably equipped chartered accountant to adequately untangle my finances from Heather. Too many questions arise from the timing of the trust. I will likely have to draw down on my investment to cover this expense in such a way as to protect me from any liabilities Heather may have introduced me to. It's my understanding the mediator has stated Heather is not to move the interim settlement into the trust either until a final settlement is reached.

- 6. The signed Praemium authority to investigate if an investment is under her name, can you please provide me with this so I may pursue.**

I understand I may pay more to go to a final hearing and may even face challenges. However, I'm beginning to not feel comfortable settling my matter at this stage without the oversight of a Magistrate to protect me. We also have ongoing issues with regards to the parenting matter. I need all of this to be tabled on July 9th 2024 please.

Thank you for your assistance with these matters.

Best regards,

Stephen

Follow me on LinkedIn: [www.linkedin.com/in/stephen-cooke-b853702ab]

2 attachments



March 14 2024 - Followup w Walshs Regarding Tax Return 2023.pdf

873K



Feb 2 2024 - Notice from Walshs Tax Return 2023 Complete.pdf

279K

Stephen Cooke <stephencooke.c@gmail.com>
To: Matthew Shepherd <mshpherd@ramsdenlaw.com.au>

Wed, Jul 3, 2024 at 1:41 PM

Additionally Matthew, we need to review Heather's 2024 tax return.

Regards,

Follow me on LinkedIn: [www.linkedin.com/in/stephen-cooke-b853702ab]

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