



Stephen Cooke &lt;stephencooke.c@gmail.com&gt;

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**Re: Clarification on Mortgage Discharge and Trust Account for 213 Morgan Street**

14 messages

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**Stephen Cooke** <stevecooke.c@gmail.com>

Wed, Jul 17, 2024 at 4:14 PM

To: Brooke Taylor &lt;admin1@robinsonre.com.au&gt;, Mike Flook &lt;Mike@robinsonre.com.au&gt;, angel.ridolfi@kentconveyancing.com.au

Cc: mshepherd@ramsdenslaw.com.au, stephencooke.c@gmail.com

Hi Brooke and Team,

I hope this email finds you well.

I have a few questions regarding the process for discharging the mortgage on the property at 1/213 [Morgan Street, Merewether NSW](#), and how the proceeds will be handled, especially considering that Kent Conveyancing does not operate a trust account (which I only recently became aware of).

**1. Mortgage Discharge Process:**

- Will Kent Conveyancing be responsible for directly handling the discharge of the mortgage on the Morgan Street property?
- If Kent Conveyancing handles the discharge, will the funds for clearing the mortgage be sent directly to Westpac? If yes, will it be in the exact dollar amount to clear the mortgage, or will it include the remaining balance of the proceeds as well?

**2. Distribution of Remaining Funds:**

- Once the 213 Morgan Street mortgage is paid off, will the remaining balance of the sale proceeds be held in a trust account?
- Alternatively, will the remaining balance be sent to another account for dispersion after the mortgage is cleared?

**3. Trust and Banking Information:**

- Since Kent Conveyancing does not operate a trust account, Heather and I need to agree on which trust account to use. **Currently, neither Heather nor I, nor our lawyers, have reached an agreement on this matter**, which needs to be done before funds are sent. Angel advised the other day that we should speak with our lawyers to come to an agreement on which trust account to use for the deposit.
- Can you confirm if you have been provided with trust account or bank account details to collect the deposit and/or the remaining balance of the sale proceeds?
- Has any banking or trust information been provided that I should be made aware of, particularly if it pertains to receiving funds in which I have an interest? At mediation, we nearly reached an agreement where my property settlement was to be mostly met from the proceeds of the 213 Morgan Street sale. We have a mention quickly approaching before the sale is finalized, during which I'll have an opportunity to voice any concerns.

Given this is my first marital separation, I am not entirely familiar with the process, so your detailed guidance on these matters would be greatly appreciated.

Thank you for your assistance.

Best regards,

Stephen Cooke

On Tue, 16 July 2024, 10:18 am Brooke Taylor, <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)> wrote:

Good morning Stephen & Heather,

Congratulations on the unconditional exchange of your property at [1/213 Morgan Street, Merewether](#).

In anticipation for settlement we will require your bank account details. You will be forwarded a link from DocuSign to complete your bank account details electronically. This will enable us to transfer the purchasers deposit minus our commission into your account upon settlement.

Can you please click on the below link to complete a review on [realestate.com.au](https://realestate.com.au)

[Mike Flook: Realestate.com.au Review](#)

Below is a breakdown of funds for your records:

**DEPOSIT HELD IN TRUST ACCOUNT: \$175,000.00**

**COMMISSION EARNED (INCLUDING GST \$): \$31,500.00**

**MARKETING EXPENSES: \$5,505.40**

**COMMISSION AND MARKETING EXPENSES: \$37,005.40**

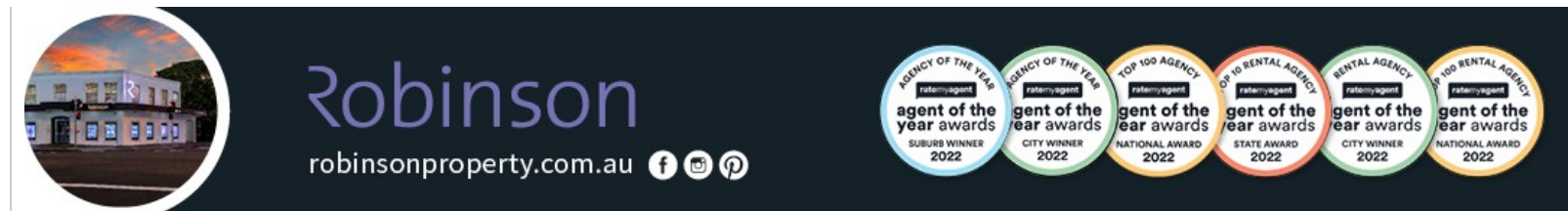
**BALANCE OF FUNDS TO VENDOR: \$137,994.60**

Kind regards,

**Brooke Taylor** | Sales Support


D (02) 4902 7292





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 **Orders made 11 April 2024 - Interim property-1.pdf**  
521K

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**Michelle Kent** <[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)>

Wed, Jul 17, 2024 at 4:46 PM

To: Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)>

Cc: Brooke Taylor <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)>, Mike Flook <[Mike@robinsonre.com.au](mailto:Mike@robinsonre.com.au)>, "mshepherd@ramsdenlaw.com.au" <[mshepherd@ramsdenlaw.com.au](mailto:mshepherd@ramsdenlaw.com.au)>, "stephencooke.c@gmail.com" <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

Hi Stephen

I will respond to the below. Rest easy this all under control. I am happy to run through it all with you once you have the email.

Kind regards  
Michelle Kent  
Sent from my iPhone

On 17 Jul 2024, at 10:14 PM, Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]  
<image001.png>

<image002.png>

<image003.png>

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<Orders made 11 April 2024 - Interim property-1.pdf>

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**3 attachments**

 **image001.png**  
1K

 **image002.png**  
1K

 **image003.png**  
110K

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**Mike Flook** <Mike@robinsonre.com.au>

Thu, Jul 18, 2024 at 12:13 AM

To: Michelle Kent <michelle.kent@kentconveyancing.com.au>

Cc: Stephen Cooke <stephencooke.c@gmail.com>, Brooke Taylor <admin1@robinsonre.com.au>, "mshepherd@ramsdenlaw.com.au" <mshepherd@ramsdenlaw.com.au>, "stephencooke.c@gmail.com" <stephencooke.c@gmail.com>

Thanks Michelle  
Sent from my iPhone

On 17 Jul 2024, at 10:47 PM, Michelle Kent <[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)> wrote:

Hi Stephen

[Quoted text hidden]

<image001.png>

<image002.png>

<image003.png>

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**Matthew Shepherd** <mshepherd@ramsdenlaw.com.au>  
To: "stephencooke.c@gmail.com" <stephencooke.c@gmail.com>

Thu, Jul 18, 2024 at 3:37 AM

Dear Stephen

I can answer some of these questions. See my comments below in red.

Regards,

**MATTHEW SHEPHERD**

Acc. Spec. (Family Law) NSW

**D:** (02) 8123 1229

**E:** mshepherd@ramsdenlaw.com.au



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**A:** Level 3, 1 [Castlereagh Street](#), Sydney NSW 2000

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BOOK A  
MEDIATION WITH ME

---

**From:** Michelle Kent <[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)>  
**Sent:** Wednesday, July 17, 2024 10:47 PM  
**To:** Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)>  
**Cc:** Brooke Taylor <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)>; Mike Flook <[Mike@robinsonre.com.au](mailto:Mike@robinsonre.com.au)>; Matthew Shepherd <[mshepherd@ramsdenlaw.com.au](mailto:mshepherd@ramsdenlaw.com.au)>;  
[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)  
**Subject:** Re: Clarification on Mortgage Discharge and Trust Account for 213 Morgan Street

You don't often get email from [michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au). [Learn why this is important](#)

Hi Stephen

I will respond to the below. Rest easy this all under control. I am happy to run through it all with you once you have the email.

Kind regards

Michelle Kent

Sent from my iPhone

On 17 Jul 2024, at 10:14 PM, Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)> wrote:

Hi Brooke and Team,

I hope this email finds you well.

I have a few questions regarding the process for discharging the mortgage on the property at [1/213 Morgan Street, Merewether NSW](#), and how the proceeds

will be handled, especially considering that Kent Conveyancing does not operate a trust account (which I only recently became aware of).

#### 1. Mortgage Discharge Process:

- Will Kent Conveyancing be responsible for directly handling the discharge of the mortgage on the Morgan Street property? **A day or two prior to the settlement of the sale, Westpac will advise Kent of the exact balance of the mortgage owing. Kent will ask the purchaser to provide payment of that amount direct to Westpac. In return for other payout of the mortgage by the purchaser, Westpac will remove its mortgage and provide the Certificate of Title to the purchaser. Kent will ask the purchaser to pay the balance of the money as agreed between Heather and you, or in the absence of agreement to an agreed trust account. My letter to the other side suggested the Ramsdens Trust account but it could be theirs.**
- If Kent Conveyancing handles the discharge, will the funds for clearing the mortgage be sent directly to Westpac? If yes, will it be in the exact dollar amount to clear the mortgage, or will it include the remaining balance of the proceeds as well? **Westpac gets paid just the balance of the mortgage it is entitled to. The balance of the sale proceeds is divided between Heather and you as agreed or into trust- remembering the April Orders allow Heather to require you each get \$200,000 unless those orders are changed.**

#### 2. Distribution of Remaining Funds:

- Once the 213 Morgan Street mortgage is paid off, will the remaining balance of the sale proceeds be held in a trust account? **Yes, see above.**
- Alternatively, will the remaining balance be sent to another account for dispersion after the mortgage is cleared? **No, the mortgage is cleared by a payment direct to the bank from the purchasers.**

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[Quoted text hidden]

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#### 3 attachments



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**Stephen Cooke** <stephencooke.c@gmail.com>

Thu, Jul 18, 2024 at 3:43 AM

To: Michelle Kent <michelle.kent@kentconveyancing.com.au>

Cc: Stephen Cooke <stephencooke.c@gmail.com>, Brooke Taylor <admin1@robinsonre.com.au>, Mike Flook <Mike@robinsonre.com.au>, "mshepherd@ramsdenlaw.com.au" <mshepherd@ramsdenlaw.com.au>

Hi Michelle,

Look forward to hearing from you today.

Kind regards,

Stephen

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

[Quoted text hidden]

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

Thu, Jul 18, 2024 at 3:45 AM

Hi Matthew,

Thank you, much appreciated. Just waiting now to hear back from Michelle to ensure we are all on the same page.

Warm regards,

Stephen

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

[Quoted text hidden]

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**Carlie McDonald** <carlie@robinsonre.com.au>  
To: "stevecooke.c@gmail.com" <stevecooke.c@gmail.com>  
Cc: Brooke Taylor <admin1@robinsonre.com.au>, Mike Flook <Mike@robinsonre.com.au>, "mshepherd@ramsdenlaw.com.au" <mshepherd@ramsdenlaw.com.au>, "stephencooke.c@gmail.com" <stephencooke.c@gmail.com>, "angel.ridolfi@kentconveyancing.com.au" <angel.ridolfi@kentconveyancing.com.au>

Thu, Jul 18, 2024 at 3:56 AM

Hi Stephen,

Thank you for your email below regarding Morgan Street Merewether. In regard to the process, we are holding the 10% deposit and will take our commission and marketing expenses out of this deposit upon settlement, leaving **\$137,994.60**.

I am presuming Kent Conveyancing would be arranging the mortgage discharge and we have not been provided with trust account details thus far. Funds can be split into several accounts if needed, we would require written authority from all parties regarding the disbursements.

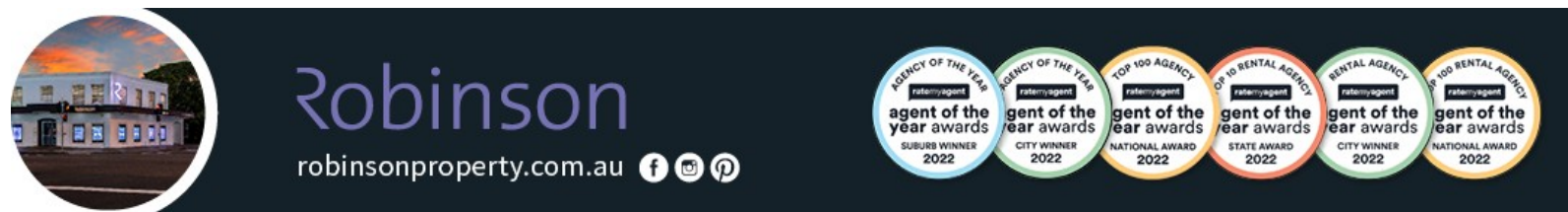
Please do not hesitate to contact us in the meantime if we can be of further assistance.

Kind regards

Carlie

**Carlie McDonald** | Sales Support

D (02) 4902 7222

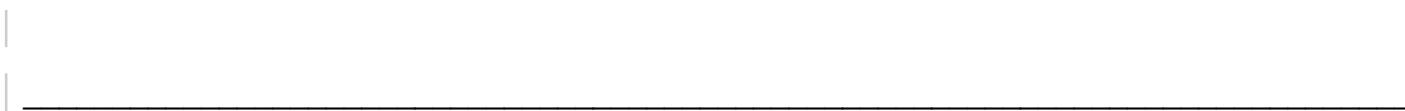


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Begin forwarded message:

**From:** Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)>  
**Date:** 17 July 2024 at 10:14:39 PM AEST  
**To:** Brooke Taylor <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)>, Mike Flook <[Mike@robinsonre.com.au](mailto:Mike@robinsonre.com.au)>, [angel.ridolfi@kentconveyancing.com.au](mailto:angel.ridolfi@kentconveyancing.com.au)  
**Cc:** [mshepherd@ramsdenlaw.com.au](mailto:mshepherd@ramsdenlaw.com.au), [stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)  
**Subject:** Re: Clarification on Mortgage Discharge and Trust Account for 213 Morgan Street

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[Quoted text hidden]

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521K

Michelle Kent <michelle.kent@kentconveyancing.com.au>

Thu, Jul 18, 2024 at 3:58 AM

To: Stephen Cooke <stevecooke.c@gmail.com>, Brooke Taylor <admin1@robinsonre.com.au>, Mike Flook <Mike@robinsonre.com.au>, Angel Ridolfi <angel.ridolfi@kentconveyancing.com.au>

Cc: "mshepherd@ramsdenlaw.com.au" <mshepherd@ramsdenlaw.com.au>, "stephencooke.c@gmail.com" <stephencooke.c@gmail.com>, Conveyancing Assistant <conveyancingassistant@kentconveyancing.com.au>

Good morning Stephen

Comments in [blue](#).

**1. Mortgage Discharge Process:**

- Will Kent Conveyancing be responsible for directly handling the discharge of the mortgage on the Morgan Street property? [Yes](#).
- If Kent Conveyancing handles the discharge, will the funds for clearing the mortgage be sent directly to Westpac? If yes, will it be in the exact dollar amount to clear the mortgage, or will it include the remaining balance of the proceeds as well? [It will be the amount required by Westpac to discharge the mortgage not the entire proceeds.](#)

**2. Distribution of Remaining Funds:**

- Once the 213 Morgan Street mortgage is paid off, will the remaining balance of the sale proceeds be held in a trust account? [If there is no agreement between the parties as to the distribution of funds the monies will be held in one of the Family Lawyer's trust accounts until such time as an agreement has been reached.](#)
- Alternatively, will the remaining balance be sent to another account for dispersion after the mortgage is cleared? [No](#)

**3. Trust and Banking Information:**

- Since Kent Conveyancing does not operate a trust account, Heather and I need to agree on which trust account to use. **Currently, neither Heather nor I, nor our lawyers, have reached an agreement on this matter**, which needs to be done before funds are sent. Angel advised the other day that we should speak with our lawyers to come to an agreement on which trust account to use for the deposit. [Correct, it needs to be either of your Lawyer's trust account. This is the normal procedure in family law settlements.](#)
- Can you confirm if you have been provided with trust account or bank account details to collect the deposit and/or the remaining balance of the sale proceeds?
- Has any banking or trust information been provided that I should be made aware of, particularly if it pertains to receiving funds in which I have an interest? At mediation, we nearly reached an agreement where my property settlement was to be mostly met from the proceeds of the 213 Morgan Street sale. We have a mention quickly approaching before the sale is finalized, during which I'll have an opportunity to voice any concerns.

[We will not disburse the proceeds of sale until such time as we are instructed by both parties as to where the monies are to go ie which trust account or, alternatively, a copy of consent orders/binding financial agreement regarding distribution of the sale proceeds is provided stipulating the manner in which the funds are to be disbursed. Robinson Property hold the deposit until settlement in their trust account and upon settlement and will disburse the balance of the deposit into the Family Lawyer's trust account or in accordance with our written instructions if an agreement has been reached between yourself and Heather.](#)

[Given this is my first marital separation, I am not entirely familiar with the process, so your detailed guidance on these matters would be greatly appreciated](#)

I trust the above helps.

Kind regards



## Michelle Kent

Licensee

Immediate Past President AIC National

AIC NSW Councillor

KENT Conveyancing



02 4941 7474

0423 493 251

[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)

63 & 63A Main Road Boolaroo, 2284

[2/102 Tudor Street Hamilton 2303](#)

PO Box 190 Boolaroo NSW 2284

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**From:** Stephen Cooke <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

**Sent:** Wednesday, July 17, 2024 10:14 PM

**To:** Brooke Taylor <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)>; Mike Flook <[Mike@robinsonre.com.au](mailto:Mike@robinsonre.com.au)>; Angel Ridolfi <[angel.ridolfi@kentconveyancing.com.au](mailto:angel.ridolfi@kentconveyancing.com.au)>

**Cc:** [mshpherd@ramsdenslaw.com.au](mailto:mshpherd@ramsdenslaw.com.au); [stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)

**Subject:** Re: Clarification on Mortgage Discharge and Trust Account for 213 Morgan Street

Hi Brooke and Team,

[Quoted text hidden]

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**Michelle Kent** <[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)>

Thu, Jul 18, 2024 at 4:02 AM

To: "Mr Stephen Christopher Cooke (Vendor)" <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

Cc: Conveyancing Assistant <[conveyancingassistant@kentconveyancing.com.au](mailto:conveyancingassistant@kentconveyancing.com.au)>

Hi Stephen

I can see the attached orders.

Are you querying what happens to the monies after payment of the mortgage and the \$200K to each of you?

Kind regards



## Michelle Kent

Licensee

Immediate Past President AIC National

AIC NSW Councillor

KENT Conveyancing



02 4941 7474  
0423 493 251

michelle.kent@kentconveyancing.com.au

63 &63A Main Road Boolaroo, 2284

2/102 Tudor Street Hamilton 2303  
PO Box 190 Boolaroo NSW 2284


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be intercepted and modified. Our bank account will never change during the course of a transaction. Please confirm the correct bank account details with us in person or by calling before making a bank transfer to us. We will not accept responsibility if you transfer money into an incorrect account. We also recommend that emails and any attachments and embedded links be reviewed vigilantly with appropriate cyber security management. We will not accept liability for any loss, damage or corruption caused by electronically transmitted information.

[Quoted text hidden]

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 **Orders made 11 April 2024 - Interim property-1.pdf**  
521K

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**Matthew Shepherd** <mshepherd@ramsdenlaw.com.au>  
To: "Mr Stephen Christopher Cooke (Client)" <stephencooke.c@gmail.com>

Thu, Jul 18, 2024 at 4:04 AM

Dear Stephen

Yes, that is how it is meant to work.

Regards,

Matthew Shepherd  
Acc. Spec. (Family Law) NSW

D: (02) 8123 1229  
E: [mshepherd@ramsdenlaw.com.au](mailto:mshepherd@ramsdenlaw.com.au)<mailto:>

[cid:image004.png@01DAD8F9.F12A2BA0]  
[cid:image005.png@01DAD8F9.F12A2BA0]  
T: 1300 749 709 | W: [ramsdenfamilylaw.com.au](http://ramsdenfamilylaw.com.au)  
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Liability limited by a scheme approved under Professional Standards Legislation

[cid:image006.png@01DAD8F9.F12A2BA0]<<https://calendly.com/mshepherd-iby>>  
From: Michelle Kent <[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)>  
Sent: Thursday, July 18, 2024 9:58 AM  
To: Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)>; Brooke Taylor <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)>; Mike Flook <[Mike@robinsonre.com.au](mailto:Mike@robinsonre.com.au)>; Angel Ridolfi <[angel.ridolfi@kentconveyancing.com.au](mailto:angel.ridolfi@kentconveyancing.com.au)>  
Cc: Matthew Shepherd <[mshepherd@ramsdenlaw.com.au](mailto:mshepherd@ramsdenlaw.com.au)>; [stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com); Conveyancing Assistant <[conveyancingassistant@kentconveyancing.com.au](mailto:conveyancingassistant@kentconveyancing.com.au)>

Subject: RE: Clarification on Mortgage Discharge and Trust Account for 213 Morgan Street

You don't often get email from [michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)<mailto:michelle.kent@kentconveyancing.com.au>. Learn why this is important<<https://aka.ms/LearnAboutSenderIdentification>>

Good morning Stephen

Comments in blue.

1. Mortgage Discharge Process:

- \* Will Kent Conveyancing be responsible for directly handling the discharge of the mortgage on the Morgan Street property? Yes.
- \* If Kent Conveyancing handles the discharge, will the funds for clearing the mortgage be sent directly to Westpac? If yes, will it be in the exact dollar amount to clear the mortgage, or will it include the remaining balance of the proceeds as well? It will be the amount required by Westpac to discharge the mortgage not the entire proceeds.

1. Distribution of Remaining Funds:

- \* Once the 213 Morgan Street mortgage is paid off, will the remaining balance of the sale proceeds be held in a trust account? If there is no agreement between the parties as to the distribution of funds the monies will be held in one of the Family Lawyer's trust accounts until such time as an agreement has been reached.
- \* Alternatively, will the remaining balance be sent to another account for dispersion after the mortgage is cleared? No

1. Trust and Banking Information:

\* Since Kent Conveyancing does not operate a trust account, Heather and I need to agree on which trust account to use. Currently, neither Heather nor I, nor our lawyers, have reached an agreement on this matter, which needs to be done before funds are sent. Angel advised the other day that we should speak with our lawyers to come to an agreement on which trust account to use for the deposit. Correct, it needs to be either of your Lawyer's trust account. This is the normal procedure in family law settlements.

- \* Can you confirm if you have been provided with trust account or bank account details to collect the deposit and/or the remaining balance of the sale proceeds?
- \* Has any banking or trust information been provided that I should be made aware of, particularly if it pertains to receiving funds in which I have an interest? At mediation, we nearly reached an agreement where my property settlement was to be mostly met from the proceeds of the 213 Morgan Street sale. We have a mention quickly approaching before the sale is finalized, during which I'll have an opportunity to voice any concerns.

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Given this is my first marital separation, I am not entirely familiar with the process, so your detailed guidance on these matters would be greatly appreciated

I trust the above helps.

Kind regards

[cid:image007.png@01DAD8F9.F12A2BA0]

[cid:image008.jpg@01DAD8F9.F12A2BA0]

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Michelle Kent  
Licensee  
Immediate Past President AIC National  
AIC NSW Councillor  
KENT Conveyancing

[mobilePhone]  
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0423 493 251<tel:02%204941%207474>  
[emailAddress]  
[michelle.kent@kentconveyancing.com.au](mailto:michelle.kent@kentconveyancing.com.au)<mailto:michelle.kent@kentconveyancing.com.au>  
[address]

63 &63A Main Road Boolaroo, 2284  
2/102 Tudor Street Hamilton 2303  
PO Box 190 Boolaroo NSW 2284

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From: Stephen Cooke <[stevecooke.c@gmail.com](mailto:stevecooke.c@gmail.com)<mailto:stevecooke.c@gmail.com>>  
Sent: Wednesday, July 17, 2024 10:14 PM  
To: Brooke Taylor <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)<mailto:admin1@robinsonre.com.au>>; Mike Flook <[Mike@robinsonre.com.au](mailto:Mike@robinsonre.com.au)<mailto:Mike@robinsonre.com.au>>; Angel Ridolfi <[angel.ridolfi@kentconveyancing.com.au](mailto:angel.ridolfi@kentconveyancing.com.au)<mailto:angel.ridolfi@kentconveyancing.com.au>>  
Cc: [mshpherd@ramsdenlaw.com.au](mailto:mshpherd@ramsdenlaw.com.au)<mailto:mshpherd@ramsdenlaw.com.au>; [stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)<mailto:stephencooke.c@gmail.com>  
Subject: Re: Clarification on Mortgage Discharge and Trust Account for 213 Morgan Street

Hi Brooke and Team,

I hope this email finds you well.

I have a few questions regarding the process for discharging the mortgage on the property at 1/213 Morgan Street, Merewether NSW, and how the proceeds will be handled, especially considering that Kent Conveyancing does not operate a trust account (which I only recently became aware of).

1. Mortgage Discharge Process:

- \* Will Kent Conveyancing be responsible for directly handling the discharge of the mortgage on the Morgan Street property?
- \* If Kent Conveyancing handles the discharge, will the funds for clearing the mortgage be sent directly to Westpac? If yes, will it be in the exact dollar amount to clear the mortgage, or will it include the remaining balance of the proceeds as well?

1. Distribution of Remaining Funds:

- \* Once the 213 Morgan Street mortgage is paid off, will the remaining balance of the sale proceeds be held in a trust account?
- \* Alternatively, will the remaining balance be sent to another account for dispersion after the mortgage is cleared?

1. Trust and Banking Information:

\* Since Kent Conveyancing does not operate a trust account, Heather and I need to agree on which trust account to use. Currently, neither Heather nor I, nor our lawyers, have reached an agreement on this matter, which needs to be done before funds are sent. Angel advised the other day that we should speak with our lawyers to come to an agreement on which trust account to use for the deposit.

\* Can you confirm if you have been provided with trust account or bank account details to collect the deposit and/or the remaining balance of the sale proceeds?

\* Has any banking or trust information been provided that I should be made aware of, particularly if it pertains to receiving funds in which I have an interest? At mediation, we nearly reached an agreement where my property settlement was to be mostly met from the proceeds of the 213 Morgan Street sale. We have a mention quickly approaching before the sale is finalized, during which I'll have an opportunity to voice any concerns.

Given this is my first marital separation, I am not entirely familiar with the process, so your detailed guidance on these matters would be greatly appreciated.

Thank you for your assistance.

Best regards,

Stephen Cooke

On Tue, 16 July 2024, 10:18 am Brooke Taylor, <[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)<mailto:[admin1@robinsonre.com.au](mailto:admin1@robinsonre.com.au)>> wrote:

Good morning Stephen & Heather,

Congratulations on the unconditional exchange of your property at 1/213 Morgan Street, Merewether.

In anticipation for settlement we will require your bank account details. You will be forwarded a link from DocuSign to complete your bank account details electronically. This will enable us to transfer the purchasers deposit minus our commission into your account upon settlement.

Can you please click on the below link to complete a review on [realestate.com.au](http://realestate.com.au)<<http://realestate.com.au/>>

Mike Flook: [Realestate.com.au Review](https://review-agent.realestate.com.au/?agentId=181446&cid=find-agent:agent-profile:agent-header)<<https://review-agent.realestate.com.au/?agentId=181446&cid=find-agent:agent-profile:agent-header>>

Below is a breakdown of funds for your records:

DEPOSIT HELD IN TRUST ACCOUNT: \$175,000.00

COMMISSION EARNED (INCLUDING GST \$): \$31,500.00

MARKETING EXPENSES: \$5,505.40

COMMISSION AND MARKETING EXPENSES: \$37,005.40

BALANCE OF FUNDS TO VENDOR: \$137,994.60

Kind regards,

Brooke Taylor | Sales Support

D (02) 4902 7292

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14 attachments

 **image001.png**  
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 **image002.png**  
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 **image003.png**  
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**Stephen Cooke** <stephencooke.c@gmail.com>

Thu, Jul 18, 2024 at 4:12 AM

To: Michelle Kent <michelle.kent@kentconveyancing.com.au>

Cc: Conveyancing Assistant <conveyancingassistant@kentconveyancing.com.au>, Matthew Shepherd <mshpherd@ramsdenlaw.com.au>

Hi Michelle,

I only attached the orders to demonstrate the necessity to discuss the process with all as the orders speak clearly to Kent operating a trust account and because this is not the case, it is something in much need of urgent resolve and perhaps worth mention at the upcoming mention if not sorted by then.

Kind regards,

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

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**Michelle Kent** <michelle.kent@kentconveyancing.com.au>

Thu, Jul 18, 2024 at 4:18 AM

To: Stephen Cooke <stephencooke.c@gmail.com>

Cc: Conveyancing Assistant <conveyancingassistant@kentconveyancing.com.au>, Matthew Shepherd <mshepherd@ramsdenlaw.com.au>

Hi Stephen

We have an agent namely Sydney Legal Agents that can hold trust funds on our behalf, if this is necessary. However, normally one of the Family Lawyer's will hold trust funds.

[Quoted text hidden]

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**Stephen Cooke** <stephencooke.c@gmail.com>

Thu, Jul 18, 2024 at 5:10 AM

To: Michelle Kent <michelle.kent@kentconveyancing.com.au>

Cc: Conveyancing Assistant <conveyancingassistant@kentconveyancing.com.au>, Matthew Shepherd <mshepherd@ramsdenlaw.com.au>

To be very clear, do you confirm, failing Heather and I coming to an agreement to do otherwise, you will instruct payment to be sent to Sydney Legal Agents and the current orders as they stand empower you to do so?

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

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**Michelle Kent** <michelle.kent@kentconveyancing.com.au>

Thu, Jul 18, 2024 at 5:23 AM

To: Stephen Cooke <stephencooke.c@gmail.com>

Cc: Conveyancing Assistant <conveyancingassistant@kentconveyancing.com.au>, Matthew Shepherd <mshepherd@ramsdenlaw.com.au>

I will speak to the family lawyers involved and come back to you.  
Sent from my iPhone

On 18 Jul 2024, at 11:10 AM, Stephen Cooke <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)> wrote:

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**3 attachments**

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