

RIN 383279

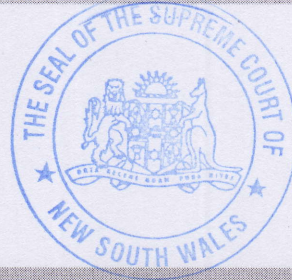
Form 43 (version 1)

UCPR 36.11

JUDGMENT/ORDER

COURT DETAILS

Court	Supreme Court
Division	Equity Division
List	General
Registry	Sydney
Case number	5454/09



TITLE OF PROCEEDINGS

First plaintiff	PATRICIA CLEARY
Number of plaintiffs	4

First defendant	RECY KYPRI
Number of defendants	6

DATE OF JUDGMENT/ORDER

Date made or given	27 November 2009
Date entered	27 November 2009

TERMS OF JUDGMENT OR ORDER

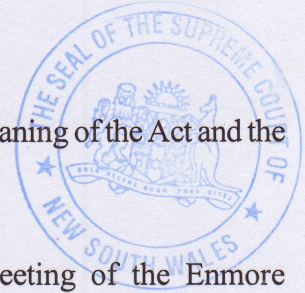
THE COURT ORDERS THAT:

1. By consent, each party to pay ^{their} ~~his/ her/ its~~ own costs.



THE COURT NOTES THE AGREEMENT BETWEEN THE PARTIES TO THE EFFECT THAT:

2. The committee meeting of the Enmore Spiritualist Church Inc held on 19 November 2009 at Level 29, Chifley Tower, 2 Chifley Square, Sydney was a valid meeting of the committee of the Church for the purposes of the *Associations Incorporations Act* 1984 (**the Act**) and the Constitution of the Church.
3. Each of the resolutions/ motions passed at the committee of the Enmore Spiritualist Church Inc held on 19 November 2009 at Level 29, Chifley Tower, 2 Chifley Square, Sydney are valid and effective within the meaning of the Act and the Constitution of the Church.
4. The purported special general meeting of the Enmore Spiritualist Church Inc held in the front garden of the Church premises at 2 London Street, Enmore on 10 September 2009 was not a



- validly convened meeting of the members of the Church within the meaning of the Act and the Constitution of the Church.
5. None of the resolutions passed at a purported special general meeting of the Enmore Spiritualist Church Inc held in the front garden of the Church premises at 2 London Street, Enmore on 10 September 2009 were valid resolutions of the membership of the Church within the meaning of the Act and the Constitution of the Church.
 6. None of the persons who were purportedly appointed as financial members of the Enmore Spiritualist Church Inc at the purported special general meeting of the members of the Church held in the front garden of the Church premises at 2 London Street, Enmore on 10 September 2009 have been validly appointed as members of the Church within the meaning of the Act and the Constitution of the Church.
 7. None of the purported newly appointed members of the Church or financial members of the Church who were purportedly appointed to the office of the "interim committee" of the Enmore Spiritualist Church Inc at the purported special general meeting of the Church members held in the front garden of the Church premises at 2 London Street, Enmore on 10 September 2009 have been validly elected to the office of the committee of the Church within the meaning of the Act and the Constitution of the Church.
 8. Only those persons whose names are listed on the schedule to these declarations and orders are validly appointed members of the Enmore Spiritualist Church Inc within the meaning of the Act and the Constitution of the Church as at the date of this declaration of right.
 9. Each of the first, second, third, fourth and fifth defendants, whether by themselves, their servants, agents or licensees, deliver up to the Enmore Spiritualist Church Inc, by effecting delivery to the plaintiffs' solicitors, Turner Freeman, of Level 16, 111 Elizabeth Street, Sydney all monies of the Church, books of account of the Church, keys to Church premises or any other Church property in the possession, custody or control of any and all of the first, second, third, fourth and fifth defendants within 10 days of the date of this order.
 10. Each of the first, second, third, fourth and fifth defendants, by themselves, their servants, agents and licensees, be and are hereby permanently restrained from entering upon any Church premises or taking possession, custody or control of any of the Church property or monies of

the Church which is not already in their possession, custody or control after the date of this injunction.

11. Each of the first, second, third, fourth and fifth defendants, by themselves, their servants, agents or licensees, be and are hereby permanently restrained from calling, holding or otherwise procuring the holding of a special general meeting of the membership of the Enmore Spiritualist Church Inc. at 2 London Street, Enmore or at any other place.

12. There be no order as to costs of any of the parties to these proceedings to the intent that he/
she/^{or will bear} it ^{or} pay his/ her/ its own costs.

The court notes the following agreement between the parties

13. The plaintiffs agree to procure, in their capacity as the Committee of sixth defendant (the Church), that the Church will hold its Annual General Meeting on or about 4 February 2010 at the Church premises at Enmore (hereafter "the AGM").

14. The plaintiffs agree to give the first to fifth defendants 21 days notice in writing of the holding of the AGM.

15. The first to fifth defendants will be entitled to:

- (a) Re-apply for membership on the Church; and
 - (b) Speak to the membership in support of their application for membership;
- at the AGM.

16. The plaintiffs will, in their capacity as the Committee of the Church:

- (a) Abide by any decision of the membership at the AGM in respect of the application for membership of the first to fifth defendants to the Church;
- (b) Give their imprimatur to any decision to grant membership to the first to fifth defendants in accordance with rule 6 of the Constitution of the Church.

17. The parties agree that, in the event that the fifth defendant, Norman Power, produces to the plaintiffs documentary evidence that he is a current financial member of the Church, on or before the holding of the AGM, the plaintiffs will agree that he is a member of the Church.

18. The parties agree that no Special General Meeting of the membership of the Church will be held on 3 December 2009 or indeed on any other date prior to the AGM in 2010.

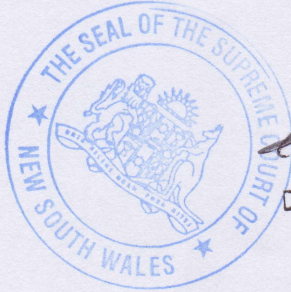
SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date



DEPUTY REGISTRAR

11 DEC 2009

[Include the following section if the document is to be provided to the Registrar for sealing under UCPR 36.12]

PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	Plaintiffs
Legal representative	Armando John Gardiman Turner Freeman Level 16, St James Centre 111 Elizabeth Street SYDNEY NSW 2000
Legal representative reference	FMD:\M105760.154
Contact name and telephone	Foezullah Dewan 02 8222 3333

PARTY DETAILS

PLAINTIFFS' CLAIM

Plaintiffs

PATRICIA CLEARY

First plaintiff

MIRANDA MCCARTHY

Second plaintiff

MATILDA VILA

Third plaintiff

CAROLINE ALLEN

Fourth plaintiff

Defendants

RECY KYPRI

First defendant

WENDY HEMINGTON

Second defendant

CHOREL MAREE TERELINCK

Third defendant

SYMN WATERS

Fourth defendant

NORMAN POWER

Fifth defendant

**ENMORE SPIRITUALIST CHURCH
INCORPORATED**

Sixth defendant



SCHEDULE

NAMES OF VALID MEMBERS OF THE CHURCH

Rev. Patricia Cleary (Life Member)	Miranda McCarthy (aka Mandy Miami)
Rev. Marcia Quinton (Life Member)	Jill Morrison
Miguel Alves	Susan Morrison
Tess Anderson	Maria Oliveria
Marlene Bartolo	Sonya Oliveria
Barbara Blair	Liliana Pinto
Barbara Briggs	Halyna Schan
Wayne Curtis	John Smythe
Laurie Dwyer	Caroline Allen
Nola Evans	Kate Stentiford
Frances Grace	Mark Symons
Sally Hatch	Mary Trewella
John Laws	Matilda Vila
Jon Lindsay	Kerrie Sevenoaks
Kathryn McDermott	James Anderson Morris

