

**Submission  
No 22**

**INQUIRY INTO HOMELESSNESS AMONGST OLDER  
PEOPLE AGED OVER 55 IN NEW SOUTH WALES**

**Name:** Ms Alexandra Samootin

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## **WOMEN AGING NOT SO GOOD IN THIS DAY AND AGE!**

ALEXANDRA SAMOOTIN

### **The plan to age well with my own home**

I was living in Brisbane, when I had my first job at the age of 18. I started saving up for my home. It was my intent to have my own home, just like my grandmother who lived close-by. Grandma often had one of the grandchildren stay at her place overnight.

I worked for the Federal Government in Brisbane and Canberra. In Canberra I worked a lot of overtime. By the time I was 28, I had enough money saved up for a home deposit in Canberra or a unit in Sydney.

### **Marriage**

When I was 28, I got married. I moved to Sydney. Shortly afterwards, we purchased a unit at Dee Why. From then on we sold the unit and eventually purchased some land at Mona Vale and built a house. We had 3 children. I got a divorce from the ex-husband as he had affairs outside the marriage. We continued to live in the same house for the sake of the children. We had our own separate bedrooms.

### **Sale of Mona Vale home**

After the death of a 20 year old son, I could no longer live in the home. Andrew was the middle child. There were just too many memories. We sold the Mona Vale home and then looked for a new home closer to the city. The two remaining children were tertiary students.

### **The ex-husband purchased properties without my consent and knowledge**

Unknown to me and with the involvement of an unethical solicitor, the ex-husband had purchased two adjoining properties at Beacon Hill in his name alone. The ex-husband moved the family into one of the homes, leading us to believe that was the only property he had purchased, and it was to be our home.

He then transferred the ownership of these two properties to his friend (a "Stranger" to me). The Stranger lived in the same road at Beacon Hill where the two properties were located. The Stranger had quit his job as a salesperson and was unemployed and stayed so during the court proceedings.

At the time (in November) I was studying at TAFE for my Book-keeping Certificate. After the final exams, it had dawned on me that I did not sign any documents regarding the purchase. I went to the solicitor. Her secretary showed me documentation and informed me that the properties were purchased with the sale monies from the former marital home. The secretary told me that the properties were in the Stranger's name under company title.

The solicitor was blunt. She told me that what was mine before, now belonged to the Stranger and the ex-husband. But, in reality, the Stranger had the whole of the marital assets.

### **Court proceedings**

I got a job as an Accounts Manager in a small company at Mona Vale. I went to the Courts to get my marital property back. I was advised by a solicitor to get a mortgage document drawn up. (I am a shorthand writer and a high-speed typist.) In the mortgage document, the Stranger admitted to owing the monies to the ex-husband and I. The Stranger promised that he would pay back the

monies owed once he sold his home. The Stranger sold his home; never paid the monies owed; and moved into the house next door, that the ex-husband had purchased with the sale monies from the Mona Vale home. The ex-husband had given the Stranger all the extra monies from the sale proceeds of the former Mona Vale home other than the purchase monies of the two said properties.

### **Physically assaulted by the “Stranger”**

I was physical assaulted by the stranger when living at Beacon Hill. I was 58 at the time. I had come home from work. The Stanger ran past me, and just as I was entering the court yard of the home, the Stranger slammed the metal gate against my legs, causing bruising and abrasions. The Stranger was yelling at me, telling me to get off the property. The Stranger then grabbed me by the arms, and holding my right arm with his left hand, he king-hit me on the side of my head with a closed fist, then he proceeded to hit me on my upper left arm a few times. By this time, my head was spinning. The Stranger stopped when a boarder in my home, yelled at him to stop. I am a small lady. The Stranger is over 6’ tall and a big man and is a lot younger than I.

I got police photographs of the assault. I had medical evidence of the injuries sustained in the way of a medico’s report.

I got my AVO in the local courts. The Stranger appealed and won his appeal. I went to the High Court about this matter. It was dismissed by the judges in a rather distasteful manner.

### **Family Court**

In the Family Court I started the proceedings as the “Applicant” and the ex-husband was the “Respondent”. Then I joined the Stranger and his two companies as the other “Respondents”. The ex-husband had transferred his interests in writing in the two properties to me. This was a legally binding contract.

I got Injunction Orders in the Family Court over the two properties.

Meantime, in the Family Court matters, the judges switched the parties around. The Stranger and his companies were listed as the “Applicants” and the ex-husband and I were the “Respondents” in our property settlement proceedings. This is illegal, as the proceedings were supposed to be between the parties to the marriage.

The matter had to go to the Supreme Court as the Family Court did not have the jurisdiction to adjudicate on contract law.

### **Supreme Court**

In the Supreme Court, at an interlocutory hearing, the presiding judge dismissed all of my expert witnesses before they were heard. This included the former Loans Officer at the St George Bank who wanted to tell the court of a practice at the bank of how the rightful owners of a property were divested of their assets under company titles. The local town planner was to tell the court that the two properties could not be developed as been claimed by the “Stranger” and the ex-husband. The properties were zoned as Residential 2A. The land surveyor was to tell the court that there was not enough land for a subdivision. The former family solicitor was to tell the court that the ex-husband had tried to transfer the ownership of the home into his name alone, instead joint tenancy some years prior to the sale of the former marital home at Mona Vale.

The unethical solicitor had admitted to “fraud” and “negligence” at the hearing. The presiding judge dismissed my application against her and ordered me to pay costs. This solicitor did not keep a “book of accounts” as was the requirement.

The matter was adjourned for “accounting”, even though I had produced all the financial records of the sale of the former Mona Vale home, and the monies spent on the purchase of the two Beacon Hill properties. The records showed that the “Stranger” did not pay a single cent for the said purchase, and in fact had admitted liability.

### **Bankrupted**

I was bankrupted by the unethical solicitor and her friend (also a solicitor) who had joined himself to the primary proceedings in the Supreme Court. The Bankruptcy Notice failed to meet the requirements of law. There were no Cost Certificates attached. The matter was heard in the wrong jurisdiction, and therefore, the hearing was invalid.

The Official Trustee in Bankruptcy had produced a Report to Creditors wherein I was listed as the owner of the two adjoining properties. I had given the Official Trustee in Bankruptcy all the required documents. I had worked for the Bankruptcy Court in Brisbane when I was young and was familiar with court procedures.

The Official Trustee in Bankruptcy representative told me that he was going to “bleed” my estate dry, so that the “Stranger” would get all of my assets and would not have to sell the home that he was living in (purchased from the sale monies from the former Mona Vale home by the ex-husband). This did occur.

### **Accounting hearing**

The Official Trustee in Bankruptcy counsel appeared and took over my persona. He was a male. At the beginning of the hearing, I stood up and said that I was the “Applicant” in the proceedings. The judge told me to sit down, and that I had no legal rights.

The Official Trustee in Bankruptcy stated that I would pay the “Stranger’s” bills. It was stated that the Stranger’s had troubles paying his mortgage and would need to sell my home, in order to pay the mortgage out. (I had already been paying half of the mortgage, as ordered by the Family Court.)

I was ordered to pay the “Stranger’s” mortgage and his bills, past, present and future. I was to pay past “rent” to the stranger for living in my marital home.

The proceedings were illegal as the OT was to foreclose my estate, and not increase debts against it, in the favour of another.

The “Stranger” sought vacant possession of my marital home. I had objected as I had nowhere to go. My application for “stay” was refused by the judge. The OT put it to the Court that I should continue to pay the “Stranger’s” mortgage. I had never signed any mortgage documents in the purchase of the two said properties.

The solicitor for the OT illegally signed the orders on my behalf, stating that I would pay the Stranger’s bills and etc.

In other words, there were extreme breaches of the law that were not complied with. The list of laws not complied with, is quite long.

## Family Court

The Family Court discharged the Injunction Orders that I had over the two properties, upon the "Stranger's" application.

## Eviction

There were no possession orders issued by the Court. I received a letter from the Sheriff's Office (North Sydney) on a Tuesday, stating that on the following Monday he was going to evict me. On the Sunday evening, I sent a fax to the Sheriff's Office stating that I was going to the Court to file my Application for Leave to Appeal and get "Stay Orders" regarding the proposed evicted.

On the Monday, I went early to Court, filed my Application for Leave to Appeal and got "Stay orders" by a Court judge regarding the proposed eviction. I had delivered the sealed copies of the documents filed in Court to the OT.

When I came back to the residence at 26 Oxford Falls Road, Beacon Hill, the Sheriff's Office had evicted me without any written and sealed orders of the court. This is illegal. I had been living in the garage to make ends meet as I previously had tenants in the home. The garage door had literally been axed by the Sheriff's Office personnel. One of the windows was smashed. The locks to the house itself had been changed. The Stranger had cut the telephone wire to the garage – but I quickly repaired that. I telephoned the Duty Judge emergency number at the Supreme Court. I had told the lady what had occurred. She spoke to the Duty Judge. I was told to come in the following day. I repaired the door as best I could.

The following day in court, the judge told me that I was NOT to go back to my home, though there are rules that state that I can be re-instated into my home after the eviction. I had nowhere to go. I was in total shock. I left the court room crying and into the street. I was 64 years old. There were no possession orders on the court file, as none had been issued.

I went to the Residency Tribunal and asked for help. They settled me down. Gave me a chair to sit on. They said that it was an illegal lock-out and that, given my age, I should not have been treated like that. I was given a number to call on their telephone. I called and was classed as a "homeless person". I was then transferred on the phone to another person who placed me in a "Y" hostel in the CBD area.

That night I woke up with a shocking jolt to my heart. I did not know where I was. Then I realised the awful truth of what had happened that day. This eviction exacerbated the deep profound grief that I was suffering after Andrew's death. I spent another day at the hostel.

I was then placed in a women's refuge in the CBD area. I was kept there for almost three months, before I got my housing commission unit at Dee Why. I had lost most of my possession after that eviction, and sad to say, including some of Andrew's possessions.

On the following Monday after the eviction on the previous Tuesday, I appeared in the Court of Appeal, seeking leave to be re-instated into my former home. My application was dismissed. The appeal hearing was listed for a later date.

Sixteen days after the eviction, the **Enforcement Order for Possession** was entered into the Court's Computerized System; but there was no **Enforcement Order for Possession** on the Court file. In other words, the **eviction was illegal**.

## **Federal Court trying to stop the distribution of my estate**

I went to the Federal Court to try to stop the distribution of my estate by the OT's solicitor for the benefit of the Stranger. My application was dismissed, despite the evidence presented to the court in the Report to Creditors wherein I was listed as the owner of the two said properties.

## **Stranger "trustee" of my estate**

The Stranger had acted as "Trustee" of my estate. The Stranger was not a Registered Trustee. The Stranger sold my home, paid out his bills, including his mortgage. There were no "books of account" kept by the Stranger or his solicitor regarding the distribution of my estate. My estate was bled continuously with **money wasting** hearings in the Supreme Court that were held without any notification to me.

After the sale of my former home, the Stranger had a new fence built between the house he lived in and my former home. I was charged costs for this. The Stranger had extended and renovated his home. The Stranger's solicitor then filed an affidavit in court, stating that "my **beneficial interest** was "**-\$38,167.85**". Yes, that is a minus. The monies that I had previously paid for the Council rates and the mortgage, literally disappeared into the Stranger's pockets (**\$36,514.70**). I was charged for the "Stranger's" water bills. I was charged for Land Tax for the two properties when there should not have been land tax paid. This is "fraud".

## **Legal Action after Bankruptcy ended**

Soon after the period of bankruptcy had finished, I filed in the Court of Appeal an application to appeal against the **Decisions of the judge at the accounting hearing**.

By this time, I had the unregistered mortgage document that was signed by both the ex-husband and the Stranger, and the signing of same before a Justice of the Peace, stamped by the **Land Titles Office**.

At the appeal hearing, it was stated that in short, that the whole process may have miscarried, in that I should not have been forced to pay the Stranger's personal bills, mortgage, rent, etc. – THAT THE EX-HUSBAND AND I HAD EQUITY OF REDEMPTION OF THE TWO PROPERTIES.

[NOTE: I had sought EQUITY OF REDEMPTION at the initial interlocutory hearing before the primary judge – but the primary judge dismissed that application after the ex-husband refused permission to allow me to proceed. After the dismissal of my application, I had asked the primary judge to disqualify himself from the hearing as he had already shown bias against me in that he had dismissed all of my witnesses before they were heard.]

The Court of Appeal stated as a previous bankrupt person, that I had no legal standing in relation to those two properties at all. My application was dismissed.

I went to the High Court of Australia. The same outcome.

## **Subject of International Law – CEDAW – in the Court of Appeal, Supreme Court**

I went to the Court of Appeal as a subject of International Law CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) as there were contraventions of CEDAW at the domestic level in relation to my legal issues and my marital property issues. That application was dismissed. The High Court refused to deal with the INTERNATIONAL LAW even though it was in their jurisdiction to do so.

## **Complaints Submission to the UNITED NATIONS**

I then submitted a COMPLAINTS SUBMISSION to UNITED NATIONS. I had exhausted all domestic remedies in relation to the return of my marital property. The UN CEDAW PETITIONS TEAM accepted my COMPLAINTS SUBMISSION on 5.11.15 and stated that process was in situ. To date, there has been no response pursuant to INTERNATIONAL LAW PROTOCOLS.

## **Petition to UNITED NATIONS**

I currently have a PETITION to UNITED NATIONS @ <https://chn.ge/2Hpu2aa> requesting UN to finalise my matters pursuant to INTERNATIONAL LAW PROTOCOLS.

I believe, that given the status of women in the State of Australia, that we really need HUMAN RIGHTS INTERNATIONAL LAW at the domestic level as a **front line** when matters cannot be resolved in the State of Australia. We have the “separation of powers” and, in reality, there is no recourse to justice when judges DO NOT OBEY THE LAW as had been the case in my matters wherein I was divested illegally of my marital home, property and monies.

During my journey through the courts, there were another 3 women who were divested of their properties through no fault of their own. In other words, they were “set up” just like I was.

## **Conclusion**

I am now 79. I live in public housing. The unit I live in is quite nice. I cannot have my grandchildren visiting me due to the conduct and past history of some of the people who live here. There are people with past criminal history of the worst kind who can become quite irrational. There is drug and drink problems which results in erratic behaviour. There is a male who performs indecent acts with his hands down the front of his pants. I tried to garden here. My plants were trampled on; pulled out and so on. I finally gave up gardening when someone used my garden bed as a toilet. I have had pot plants stolen. The male who lived in the unit below me, suicided some two months ago. He wasn't “discovered” until 6 days after the event. The stench was horrific to say the least. He was a heavy drug user and smoked awful stuff that drifted into my unit. Some of the people who live here, don't believe in daily bathing and the smell is unpleasant as it wafts through my unit on a hot summer's day.

I can't sleep in the bedroom. The male next door makes very unusual sounds in his bedroom, which includes howling like a wolf. I sleep on the lounge room floor. I wear ear plugs as this offending male next door opens and closes his front door multiple times at about 1 to 2 am.

In other words, I would much prefer to have my own home and have my grandchildren, and my children and their partners stay with me. And I still do not have a headstone for my deceased son, Andrew David SHEA. That hurts the most.

## **Government Expenditure**

**Court proceedings cost a lot of money. Public housing costs a lot of money. Thus, the man in the street pays more tax and can't afford a home of his own! CEDAW (Convention on the Elimination of All Forms of Discrimination – a Human Rights International Law) will override this injustice that has occurred to women like I. In the long run, it will mean control of the judges of the court who deliberately make women HOMELESS and find it a laughing matter! <https://vimeo.com/661670892>**

Signed...

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