

10 IN THE HIGH COURT OF AUSTRALIA
PERTH REGISTRY



No. P23 of 2012

BETWEEN:

[STANFORD]
Appellant

and

20

[STANFORD]
Respondent

APPELLANT'S CHRONOLOGY

Part I:

I certify that this chronology is in a form suitable for publication on the internet.

Part II:

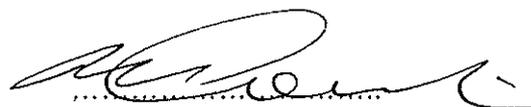
Date	Event	Appeal Book Reference
05.09.1922	Wife born.	
20.03.1924	Husband born.	
02.1962	Husband and his first wife bought a block of land in a Perth suburb.	
04.1964	Husband and his first wife built a home on the land and obtained a war service loan to fund construction of the home.	
08.12.1966	Husband and his first wife divorced.	
25.09.1967	The husband's home was transferred to his sole name and at the time of transfer he granted a mortgage over the property to his first wife as security for payment of the sum of \$2,600 from him to her by monthly instalments.	
14.06.1968	Wife was divorced from her first husband. She owned a home.	
12.1968	In December 1968 the wife won approximately \$16,000 on Lotto. The bulk of the proceeds were used to payout the mortgages on her home.	
09.10.1971	Parties were married and lived together in the husband's home.	

Date	Event	Appeal Book Reference
22.01.1973	Husband's mortgage to his first wife was discharged on 22 January 1973.	
23.04.1974	Wife sold her home to her daughter, C Rafter ("Rafter") and her husband for \$13,000.	
16.05.1979	Rafter and her husband later sold that home for \$64,000.	
1989	Husband and wife retired.	
15.03.1995	Husband made a will granting the wife a life tenancy in the matrimonial home and leaving his estate equally to his sons or their children.	
27.03.1995	Husband wrote a letter explaining that the wife had told him that she intended to leave her estate to her daughters excluding him, and he respected that.	
2005	The wife executed a will naming her daughters joint beneficiaries of her estate.	
01.09.2005	Wife signed enduring power of attorney in favour of her daughters, Rafter and G Brims ("Brims").	
31.12.2008	Wife suffered severe stroke and was admitted to hospital and subsequently to a care facility and diagnosed with dementia.	
08.03.2009	Husband having been unwell signed enduring power of attorney appointing his son and daughter in law jointly and severally his attorneys.	
06.2009	Husband executed a new will in more or less the same terms as his previous will.	
10.07.2009	An ACAT assessment issued whereby the wife was assessed as requiring high level residential care. With effect from 14 July 2009 she was approved by the Department of Health as eligible to receive that care.	

Date	Event	Appeal Book Reference
23.07.2009	Assisted by his daughter in law, the husband opened a trust account with the wife as the sole beneficiary and himself as the trustee, for the purpose of providing additional funds for any additional medical, accommodation, outgoings or expenses she may have required.	
17.08.2009	Wife's daughter, C Rafter (as her case guardian) commenced proceedings in the Family Court of Western Australia seeking orders for an equal division of the property of the husband and wife.	
05.11.2009	The wife's daughters applied to the WA State Administrative Tribunal ("SAT") to be appointed the wife's joint guardians.	
08.01.2010	Orders made by SAT appointing the wife's daughters as her joint plenary administrators of her estate and guardians.	
17.02.2010	Husband's son was appointed his case guardian in the Family Court of Western Australia ("FCWA") proceedings.	
07 – 15.07.2010	Defended hearing before held before Magistrate Duncanson ("the Magistrate") in FCWA.	
09.07.2010	Magistrate delivered preliminary reasons for judgment in relation to whether the Family Court has jurisdiction to determine the matter and whether the Court should exercise that jurisdiction.	
30.09.2010	Magistrate delivered reasons for decision and made final property settlement orders pursuant to section 79 of the <i>Family Law Act 1975</i> (Cth) that the husband sell the house in which he lived and pay a fixed sum of money to the wife's case guardian, Ms C Rafter.	
21.10.2010	Husband filed notice of appeal in the Full Court of the Family Court of Australia ("the Full Court").	
08.11.2010	Husband obtained a stay of the Magistrate's orders pending the determination of his appeal.	
17.03.2011	Husband filed amended notice of appeal.	
13.04.2011	Full Court comprising Bryant CJ, May & Moncrieff JJ heard appeal at Perth.	
14.09.2011	Wife suffered a stroke and died.	

Date	Event	Appeal Book Reference
06.10.2011	Parties advised the Full Court by joint letter of the wife's death and sought leave to file submissions addressing any issue the wife's death may have had on the outcome of the appeal.	
21.10.2011	Full Court delivered reasons for decision, upheld the husband's appeal and set aside orders 1, 2 and 7 made by the Magistrate.	
30.11.2011	Wife' daughters were substituted as legal personal representatives to the Family Court proceedings by order of a Registrar.	
19.01.2012	The Full Court delivered reasons for decision, re-exercised the discretion of the Magistrate and made orders for property settlement pursuant to section 79(8) of the Act in favour of the wife's legal representatives.	
17.02.2012	Husband filed application for special leave to the High Court of Australia ("HCA"), granted on 22 June 2012.	
05.07.2012	Husband filed Notice of Appeal.	
06.07.2012	Husband gave notice pursuant to section 78B of <i>the Judiciary Act 1903</i> (Cth) to the Commonwealth, State and Territory Attorneys-General.	
09.07.2012	Husband filed summons and affidavit seeking the leave of the HCA to amend the Notice of Appeal filed 5 July 2012.	

Dated: 27 July 2012



Hon. P Dowding SC

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