

AMENDED NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00076545

TITLE OF PROCEEDINGS

Appellant	Grapple Pay Pty Ltd
First Respondent	Ingrid Doris Conroy
Second Respondent	Manuel Hanna as Trustee of the bankrupt Estate of Jarrod Arthur Conroy

PROCEEDINGS IN THE COURT BELOW

Title below	Grapple Pay Pty Ltd v Ingrid Doris Conroy and Manuel Hanna as the Trustee of the bankrupt Estate of the Jarrod Arthur Conroy
Court below	Supreme Court of NSW
Case number below	2023/00461544
Date[s] of hearing	12-13, 17-18 December 2023
Material date	18 February 2025
Decision of	Nixon J

FILING DETAILS

Filed for	Grapple Pay Pty Ltd , Appellant
Filed in relation to	whole decision below
Legal representative	Danielle Funston, Maddocks
Legal representative reference	9086751
Contact name and telephone	Chris La Guzza, (02) 9291 6019
Contact email	Chris.laguzza@maddocks.com.au

HEARING DETAILS

This notice of appeal is listed for directions

TYPE OF APPEAL

Conveyancing Act – transfer in fraud of creditors – *Conveyancing Act 1919* (NSW), s 37A

DETAILS OF APPEAL

- 1 This appeal is brought under section 101(2)(r) of the *Supreme Court Act 1970* (NSW).

- 2 This notice of appeal is not filed pursuant to leave to appeal.
- 3 The appellant has filed and served a notice of intention to appeal, which was served on the prospective first and second respondent on 26 February 2025.
- 4 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

- 1 The learned trial judge erred in finding that the transfer of the Property to the First Respondent was not made with intent to defraud creditors.
- 2 The learned trial judge erred in finding (if he did) that the First Respondent was a purchaser in good faith not having, at the time of the transfer of the Property, notice of the intent to defraud creditors.
- 3 The learned trial judge erred in finding that there was no evidence that the First Respondent was aware of, or agreed with, the contents of transfer form, which recorded the transfer as being “without monetary consideration” (at [135] of the Decision).
- 4 The learned trial judge erred in finding that the payments made by the First Respondent, or any part thereof, were made in consideration for a purchase of the Property from the Trust and at the request of the trustee (at [150]).
- 5 The learned trial judge erred in finding that the Property was not (at the time of the transfer) transferred to the First Respondent at an undervalue.
- 6 The learned trial judge erred in finding that the trust received value as a result of the payments from the First Respondent of \$746,866.31 (at [160]).
- 7 The learned trial judge erred in finding that the value received by the trust as a result of the payments by the First Respondent was relevant (at [160]).
- 8 The learned trial judge erred in finding that Mr Conroy’s motivation was to prefer Ms Lucas’ interests over those of the Appellant and to ensure that Ms Lucas received the full amount which she was owed in respect of the Property (at [167]).
- 8A The learned trial judge erred in finding that Ms Lucas was a creditor of the Trust (at [168] and [169]).
- 9 The learned trial judge erred in finding that there was no indication that the transaction reserved any benefit for Mr Conroy as trustee of the Trust and that a motivation on the part of Mr Conroy to prefer Ms Lucas’ interests over those of the Appellant was insufficient to establish an intent to defraud creditors (at [174]).

- 9A The learned trial judge erred in finding that the First Respondent was a ‘purchaser’ within the meaning of section 37A(3) of the *Conveyancing Act 1919* (NSW) (at [178]).
- 10 The learned trial judge erred in finding that there was no evidence that the First Respondent was aware of the financial position of Prana Energy Co Ltd and that it was nearing insolvency in August 2022 (at [181]).
- 11 The learned trial judge erred in finding that there was no evidence that the First Respondent was aware of Prana’s liability to Grapple (at [185]).
- 12 The learned trial judge erred in considering the First Respondent’s knowledge of the intent to defraud creditors by reference to whether she knew of there being a specific liability to the Appellant or specific liabilities (at [185], [188]).
- 13 The learned trial judge erred in finding that the First Respondent was in part motivated by a desire to assist her son in finalising the financial position between himself and Ms Lucas by providing the trust, through this transaction, with the funds necessary to pay back what was owing to Ms Lucas in relation to the Property (at [186]).
- 14 The learned trial judge erred in failing to find that the transfer of the Property to the First Respondent is voidable at the instance of the Appellant.

ORDERS SOUGHT

- 1 Appeal allowed.
- 2 Set aside the orders of the Court below and in their place order:
1. The Court declares that the transfer from Jarrod Arthur Conroy of the property at 897 O’Neill Road, Bentley NSW 2480, Lot 31 in Deposited Plan 869759 (Property) to the Defendant as sole proprietor, registered on 1 September 2022, is voidable pursuant to section 37A of the *Conveyancing Act 1919* at the instance of the Plaintiff.
 2. The Defendant pay the Plaintiff’s costs as agreed or assessed.
- 3 The First Respondent pay the Appellant’s costs of the appeal.

UCPR 51.22 CERTIFICATE

I certify under UCPR 51.22(2) that the amount in issue in this appeal exceeds the specified amount under section 101(2)(r) of the *Supreme Court Act 1970* (NSW).

SIGNATURE OF LEGAL REPRESENTATIVE

This notice of appeal does not require a certificate under clause 4 of Schedule 2 to the [Legal Profession Uniform Law Application Act 2014](#).

I have advised the appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

solicitor on record

Date of signature

15 July 2025

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

FURTHER DETAILS ABOUT APPELLANT**Appellant**

Name	Grapple Pay Pty Ltd ACN 655 721 618
Address	Level 12, 77 York Street Sydney NSW 2000

Legal representative for appellant

Name	Danielle Funston
Practising certificate number	45460
Firm	Maddocks Lawyers
Contact solicitor	Danielle Funston
Address	Angel Place Level 27, 123 Pitt Street Sydney NSW 2000
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Email	Danielle.funston@maddocks.com.au
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Name	Danielle Funston

DETAILS ABOUT RESPONDENTS**First Respondent**

Name **Ingrid Doris Conroy in her own right and
in her capacity as trustee of The
Bungabbee First Light Trust**


Address **1/64 Centennial Circuit, Byron Bay
NSW 2481**

Second Respondent

Name **Manuel Hanna as the Trustee of the
Bankrupt Estate of Jarrod Arthur Conroy**

Address **106 Hardware Street, Melbourne VIC 3000**

I certify that this document is suitable publication

Signed: 

Solicitor for the Appellant