

Our Ref: ALR:ALR:13629
Your Ref: Samantha Miller

1 December 2023

Clarity Lawyers
T&G Building
Level 4, Suite 4A 45 Hunter Street
NEWCASTLE NSW 2300

By Email Only: samantha@claritylawyers.com.au

Dear Colleagues

**Re: Cooke & Cooke
Property & Parenting**

We refer to the above matter and advise that we act for Dr Heather Anne Cooke.

We have to hand a copy of your letter dated 24 November 2023 and note that you act for Mr Stephen Cooke.

We are instructed to respond as follows:

1. Cohabitation occurred in May 2012, rather than on 24 September 2011.
2. Marriage occurred on 26 September 2012, rather than on 26 September 2014.
3. Our client has not had any discussions with the children regarding future parenting arrangements. Our client's discussions with the children have been limited to informing them of the separation, including that they will be living with each parent in separate houses.
4. Our client believes that Christian's distress instead relates to multiple visible episodes of your client crying and his repeated statements that he will have nowhere to live and will be left destitute, all of which have occurred in the presence of the children. He has also told the children that our client has taken "*all the money*".
5. Our client requests that your client refrain from any further emotional outbursts in the presence of the children and that any discussions regarding the issues arising from separation are raised directly with our client or via respective solicitors.
6. Our client rejects the proposition that your client is the children's primary carer. Christian (9 years) and Finn (6 years) both attend school and have limited need for

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care during the day. Our client manages all issues around the children's needs, including arranging medical and psych appointments, school enrolments, additional learning assistance at school and so on.

7. Whilst our client acknowledges that your client assists with the children, such as to drive them to and from appointments after school, he is unable to look after these tasks without constant direction from our client. Our client is of the view that your client does not have the capacity to independently care for the children for more than one or two days at a time.
8. As such, our client proposes that the children spend time with your client every second weekend from school pick up at 3:25pm to Sunday at 12:00pm. If your client persists with his view that the children should live with him, our client is willing to attend a Mediation to further discuss parenting arrangements.

Property

9. Our client removed the funds on 17 November 2023 in order to protect these funds from your client's excessive spending habits. The funds withdrawn from account ending #7778 are business funds that are used to offset interest on the parties' home loan. The funds from accounts ending #2594 and #5063 are being held in safekeeping. The account details and balances will be disclosed in the course of our client's compliance with her financial disclosure obligations.
10. Our client is not agreeable to depositing any funds into our trust account given that it is a non-interest bearing account. Further, the funds are required for business purposes and to offset the interest on the home loan. It is therefore impracticable for the funds to be moved into our trust account or to be otherwise frozen pending property division. Our client does not have any intention of wasting or otherwise disposing of these funds and acknowledges that these funds form part of the matrimonial property pool.
11. Your client removed the following funds from the parties' joint accounts on 20 November 2023:
 - (a) \$3,920 from account ending #2594, and
 - (b) \$4,102 from account ending #5055.

Spousal maintenance

12. Our client is not aware that an agreement as to spousal maintenance has been reached by the parties.
13. Your client is capable of earning an income, however, has spent the marriage relying on our party's income in order to pursue his hobbies including bitcoin mining. As the marriage has now ended, our client is no longer willing to financially support your client to participate in his hobbies on a full-time basis.
14. Our client proposes that that your client obtain paid employment and, thereafter, an assessment can be made as to whether your client requires any additional financial assistance from our client. Would you please provide us with evidence of your client's

application for suitable paid employment positions as soon as possible so that our client may further consider the issue of spousal maintenance?

15. Our client is not agreeable to an interim property division for litigation funding. We understand that your client is likely to obtain finance through one of the legal financiers with which your firm is registered in order to pay his legal fees.

Financial disclosure

Our client is in the process of providing her financial disclosure documents to us which we shall forward to you as soon as they are to hand. Would you please provide us with your client's financial disclosure documents as soon as possible pursuant to the **attached** list?

We look forward to hearing from you as soon as possible and within seven (7) days.

Yours faithfully

Delaney Roberts Family Lawyers



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Encl. 1