



Federal Court of Australia

District Registry: Western Australia Registry

Division: General

No: WAD155/2025

HARTMUT HUBERT JOSEF FRIGGER and another named in the Schedule
Applicants

KELLY-ANNE LAVINA TRENFIELD
Respondent

ORDER

JUDGE: JUSTICE BUTTON

DATE OF ORDER: 15 September 2025

WHERE MADE: Melbourne

(Amended pursuant to r 39.05(h) of the *Federal Court Rules 2011*)

THE COURT NOTES THAT:

The Respondent has stated that she expects to issue estimates under s 82(4) of the *Bankruptcy Act 1966* (Cth) (**Bankruptcy Act**) in respect of the “Category 1 claims” referred to in paragraph 1(c) of these orders by **17 September 2025**.

THE COURT ORDERS THAT:

1. Subject to paragraphs 2 and 3 of these orders, the Applicants have leave to file and serve a Further Amended Application in substantially the form provided to the chambers of the Honourable Justice Button at 6:36pm on 14 September 2025 and annexed to these orders as **Annexure A**, save that:
 - a. The document is to be headed Further Amended Application;
 - b. In paragraphs 1 and 2 of the Further Amended Application, after each creditor is named, the following details are to be provided:



- i. The amount in which the Respondent estimated the value of the claim pursuant to s 82(4) of the Bankruptcy Act, or admitted the claim pursuant to s 102 of the Bankruptcy Act;
- ii. The amount the Applicants contend the estimate should have been, or the amount in which the Applicants contend the claim should have been admitted, as the case may be;
- c. Paragraph 1 of the Further Amended Application is to be amended to include reference to the amounts in which the Respondent has estimated the value of the claims of Mervyn Kitay (as liquidator of Computer Accounting & Tax Pty Ltd (in liq)) (**Kitay**) and Computer Accounting & Tax Pty Ltd (in liq) (**CAT**) insofar as their proofs of debt claimed amounts referable to costs orders (referred to in the affidavit of the Respondent dated 12 September 2025 as “Category 1 claims”);
- d. Paragraph 3 is to be amended so that it refers only to the amounts the subject of the proofs of debt of CAT and Kitay that relate to the “Category 2 claims”, as referred to in the affidavit of the Respondent dated 12 September 2025,

(Further Amended Application).

2. The Further Amended Application is to be filed and served on the Respondent by **4:30pm on 19 September 2025.**
3. If the Respondent considers that the Further Amended Application does not comply with paragraph 1 above, she is to notify the chambers of the Honourable Justice Button by email copied to the Applicants as soon as practicable.
4. The Applicants are to prepare, in respect of each creditor referred to in paragraphs 1 to 3 of the Further Amended Application, a document that specifies the grounds on which the Applicants contend:
 - a. The claims of creditors referred to in paragraph 1 should be estimated at the figure for which the Applicants contend;
 - b. The claims of creditors referred to in paragraph 2 should be rejected entirely or admitted in any particular amount for which the Applicants contend;
 - c. That the claims of Kitay and CAT referred to in paragraph 3 are not provable debts,

(each a statement of grounds).



5. The Applicants are to file and serve all of the statements of grounds prepared pursuant to paragraph 4 above on the Respondent by **4:30pm on 26 September 2025**.
6. The Applicants are to serve the following on each creditor referred to in paragraph 1 and 2 of the Further Amended Application:
 - a. A copy of the Further Amended Application;
 - b. A copy of the statement of grounds, or statements of grounds, relevant to that creditor;
 - c. A copy of these orders; and

are to do so under cover of a letter or email that contains the text set out in **Annexure B** to these orders, adjusted to record the relevant details for each recipient.

7. The Respondent is to advise the chambers of the Honourable Justice Button by email copied to the Applicants if, and when, she receives notice from any creditor that the creditor has, or proposes to, bring an appeal under s 82(5) or apply for review under s 104(3) of the Bankruptcy Act.
8. The Applicants are to file and serve on the creditors referred to in paragraph 3 of the Further Amended Application:
 - a. A copy of the Further Amended Application;
 - b. A copy of the statement of grounds, or statements of grounds, relevant to that creditor;
 - c. A copy of these orders; and

are to do so under cover of a letter or email that contains the text set out in **Annexure C** to these orders, adjusted to record the relevant details for each recipient.

9. The proceeding be listed for a case management hearing at ~~9:30am~~ **11:30am AEST on 17 October 2025**.
10. Creditors referred to in any of paragraphs 1 to 3 of the Further Amended Application will have leave to appear at the case management hearing convened pursuant to paragraph 9 above, and may notify their intention to appear by sending an email to the Federal Court Registry at "perth.registry@fedcourt.gov.au" with subject line WAD155/2025 HARTMUT HUBERT JOSEF FRIGGER & ANOR v KELLY-ANNE LAVINA TRENFIELD. The email is to be copied to "frigger@tpg.com.au" and



“peter.a.smith@jws.com.au” and is to state the name, email address and contact number of the creditor and their solicitor, if applicable.

11. Costs be reserved.

12. Liberty to apply.

Date orders authenticated: 17 September 2025

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: WAD155/2025

Federal Court of Australia

District Registry: Western Australia Registry

Division: General

Second Applicant

ANGELA CECILIA THERESA FRIGGER



Annexure A

Form B2
Rules 2.01; 6.01; 14.03

Proposed Amended Application

No. WAD155 of 2025

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of Hartmut Hubert Josef Frigger and Angela Cecilia Theresa Frigger

Hartmut Hubert Josef Frigger and Angela Cecilia Theresa Frigger
Applicants

Kelly-Anne Lavina Trenfield
Respondent

To the Respondent
of 345 Queen Street, Brisbane Qld 4000

Application and Court hearing

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time, date and place shown in the Notice of Filing and Hearing attached. [Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this application is accepted for filing.] If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file and serve a notice of appearance (Form B4) in the Registry before attending Court or taking any other steps in the proceeding.

Details of claim

On the grounds stated in the ~~statement of claim~~, accompanying affidavit ~~or other document prescribed by the Rules~~, the Applicant claims:

1. Pursuant to s 82(5) *Bankruptcy Act 1966 (Cth)*, the applicants appeal against the respondent's estimate made on or about September 2025 in respect of the following creditor claims:

Filed on behalf of (name & role of party)	Hartmut & Angela Frigger, The Applicants
Prepared by (name of person/lawyer)	Angela Frigger
Law firm (if applicable)	
Tel 0422124343	Fax
Email frigger@tpg.com.au	
Address for service (include state and postcode)	29 Gairloch Street, Applecross WA 6153

[Form approved 1 April 2021]



- a) Clavey Legal Pty Ltd
 - b) Sandra May Banning and Banning Holdings Pty Ltd
 - c) Kim Holbrook
 - d) Madgwicks Lawyers
 - e) Mitsui Sumitomo
 - f) Mervyn Kitay
 - g) Rowe Bristol
 - h) 6 separate claims by Sandra May Banning and Professional Services of Australia
2. Pursuant to s 104(2) *Bankruptcy Act 1966 (Cth)*, reverse the respondent's decision on or about September 2025 in respect of the following claims:
- a) Murfett Legal Pty Ltd
 - b) Evelyn Charlotte Reid
 - c) Sandra May Banning and Professional Services of Australia
3. Pursuant to s 30 *Bankruptcy Act 1966*, the respondent is ordered to forthwith reject the following proofs of debt on the grounds the claims are not provable debts:
- a) Mervyn Kitay (\$2,165,661)
 - b) Computer Accounting & Tax Pty Ltd (ACN 009 470 491) (\$5,536,727)
4. Such further or other orders as the Court deems fit.

~~Claim for interim relief~~

~~The Applicant also claims interim relief.~~

- ~~1. An order that this application be heard urgently.~~

Applicant's address

The Applicant's address for service is:

Place: 29 Gairloch Street, Applecross WA 6153

Email: frigger@tpg.com.au

The Applicant's address is 29 Gairloch Street, Applecross WA 6153.



Service on the Respondent

It is intended to serve this application on the Respondent.

Date: ~~11 August 2025~~ 14 September 2025

A. Frigger *H. Frigger*

.....
Signed by ANGELA & HARTMUT FRIGGER
APPLICANTS



Annexure B

Dear [*insert name of creditor*]

This [*letter/email*] is being sent to you as directed by orders made by the Federal Court of Australia, which are enclosed.

We refer to the notice purusant to [*select relevant option: section 102 and/or section 82(4) of the Bankruptcy Act 1966 (Cth)*] sent to you on [*insert date*] by the Trustee in Bankruptcy, Kelly-Anne Lavina Trenfield (**Trustee**) (**Notice**) regarding the estates of Angela Cecilia Theresa Frigger (Bankrupt Estate No. WA 1272 of 2018/6) and Hartmut Hubert Josef Frigger (Bankrupt Estate No. WA 1272 of 2018/6).

We are applying to the Federal Court of Australia to [*select relevant option — appeal the Trustee’s estimate of the debt the subject of the Notice and/or review Trustee’s decision to admit the debt as recorded in the Notice*]. Our application to the Federal Court of Australia is attached to this [*letter/email*] (**Further Amended Application**). Also attached to this [*letter/email*] is a copy of the [*statement/statements*] of grounds by which we will [*select relevant option — appeal and/or review*] the Trustee’s decision as recorded in the Notice.

Should you want to be heard in relation to our application regarding the Notice issued to you by the Trustee, or if you have, or are considering, bringing your own proceeding to appeal or review the Notice issued to you by the Trustee, the procedure to participate in the next case management hearing in this proceeding is set out in paragraph 10 of the enclosed orders.



Annexure C

Dear [*insert name of creditor*]

This [*letter/email*] is being sent to you as directed by orders made by the Federal Court of Australia, which are enclosed.

We draw your attention to paragraph 3 of the enclosed Further Amended Application, which concerns the proofs of debt you have lodged with the Trustee in Bankruptcy, Kelly-Anne Lavina Trenfield regarding the estates of Angela Cecilia Theresa Frigger (Bankrupt Estate No. WA 1272 of 2018/6) and Hartmut Hubert Josef Frigger (Bankrupt Estate No. WA 1272 of 2018/6).

Should you want to be heard in relation to our application regarding paragraph 3 of our Further Amended Application, the procedure to participate in the next case management hearing in this proceeding is set out in paragraph 10 of the enclosed orders.