Justice will be done when NAB fully compensates the Biritz family

Summary:
In 1994 under proceeding number 5356 of 1994 George Biritz issued a Writ against the NAB in the Victorian Supreme Court. The bank was unsuccessful in its attempt to convince the Supreme Court to strike out the Biritz family Claim. That's why they presented George Biritz with a fraudulent sequestration order.

The National Australia Bank created fraudulent court orders and a fake judgment. The Chief Justice of the Federal Court failed to act and instead covered up systematic criminal conduct by the bank, becoming an accomplice. The Attorney General of the Commonwealth of Australia also failed to act.

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NAB's unconscionable abuses of the Biritz family will not go unpunished.

In 1984, Mr Peter Thomas Baulch advised George Biritz that the NAB was prepared to consolidate all borrowings under a facility for Litchurch Pty.Ltd as Trustee for the Biritz Family Trust, providing the

business with extra working capital, and the loan should be a foreign currency loan in Swiss Francs equivalent to $A 550,000.

The bank also advised Mr Biritz that the following properties were required to be held as security to the draw down $550,000 facility.
The properties requested by the NAB were:

1. The matrimonial residence at 3-5 Paxton Drive, Glen Waverley;
2. Factory at 39 Kembla Street, Cheltenham;
3. Factory at 41 Kembla Street, Cheltenham;
4. Apartment 92 at Acapulco, Surfers Paradise, Queensland.

The registered proprietors to those properties were Mr & Mrs Biritz, and the Biritzs consented for the NAB to registered mortgages against their respective titles.

The NAB insisted that Biritzs establish a Sinking Fund with the bank at Moorabbin. This fund was to generate sufficient monies to repay the principal and interest of the loan facilities. Biritz signed the monthly transfer debit with the NAB, and the bank from 18th August 1984 withdraw $10,000 every month until December 1987, being the total of monthly transfer of $410,000 for that period of time.

Subsequently Biritz also paid upon the NAB's demand, for "top up" deposits to the credit of the sinking fund of $250,500 over and above the monthly $10,000 transfer. All these money were stolen by the NAB from the term deposit Sinking Fund. This was just the beginning of a series of NAB misleading and illegal activities.

In 1985 Biritz purchased another property at Lot 54 Springvale Road, Keysborough. The property consisted of 20 hectares with a 5 acre dam and in 1986 Biritz arranged for plans to be drawn up for a construction of a 102 square residence. In 1987 whilst Mr & Mrs Biritz were on a trip around Europe, the NAB management team strategically plotted the financial and professional demise of Mr George Biritz.

On 15th June 1987 NAB without given authority by anyone whomsoever, (illegally) transferred all the 5 properties from Mr & Mrs Biritz as joint proprietors to a sole/single proprietor of Mr George Biritz and registered falsification mortgage instruments over each and every title deeds. The Biritz family returned from their holiday in Europe, oblivious to the impending false claims of mortgage defaults soon to be made by the NAB in the Supreme Court.

In between 1990 to 1995 NAB obtained possession of the Biritz's properties via the Supreme Court and sold each one of them. In order to conceal all of those fraudulent activities, on 22 July 1997 NAB presented Mr Biritz with a sequestration order, allegedly issued by the Federal Court of Australia.

On 13 July 1998, Mr Biritz filed an Application with the Federal Court pursuant of ORDER 35 Rule 7 sub-rule 2b. Biritz sought to set aside a Sequestration order made against his estate which has been procured by NAB engaging in fraud. During the course of proceedings His Honour Anthony North J. made an order which obliged NAB to account by 5pm 21 April, 1999 for all the sale proceeds of the Biritz properties being credited with the NAB.

To make it very clear - NAB never proved any actual indebtedness by the Biritz family, yet the bank illegally took five properties from us without any judgement for money ..... (i.e. there was absolutely no proof of debts). The properties were allegedly all sold but where are the proceeds of the sale of all five properties?

Although 19 years have passed since North J. made the order, the NAB has yet to deliver their accounting. Unfortunately however the consequences have become catastrophic.

Notwithstanding the fact that the Biritz family was made penniless and homeless - on 27 August 2007 Mr George Biritz passed away.

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> Almost all my adult life has been invested into this case and there is no way that I can walk away from it. The only option for me is to deliver justice for my family so as to honour the legacy of my late husband.

BRN Comments - Bankers abuse the law and their clients because they can. The government allows it. The legal profession facilitates it. The problem is systemic. Erika has bravely fought on because injustice cannot be allowed to succeed. We told NAB they will be paying full compensation to bank victims. The bankers just laughed. BRN has been advocating and working with many bank victims. The Biritz family will be compensated .... there is no doubt about it. NAB CEO Thorburn better be getting his cheque book ready.

Erika has promised to add essential documents to this page. You will find it hard to stomach the way the legal system works with the banks. Will the Hayne Royal Commission expose the truth?

File Attachments:

Attachment	Size
Affidavit Dion Biritz - to the Attorney General	1.74 MB
Biritz Vs NAB - Federal Court Chief Justice Michael Black	1.65 MB
Affidavit - George Biritz	1.86 MB
Letter from the High Court	239.56 KB
Letter from the Governor General	182.96 KB
Supreme-Court-Order-8-July-1994	233.38 KB

Websites For More Information: More Bank Victim's Stories
https://www.bankreformnow.com.au/stories

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