



Quiz

Aprile v State of Queensland, in the matter of Leftwich [2021] FCA 471 - Disclaimers of Property

1. What is relatively unique about the position of Ms Aprile as relevant to this case?
 - a. She was a mortgagee
 - b. She was a co-owner of property
 - c. She entered a partnership agreement with Mr Leftwich
 - d. She was the trustee in bankruptcy
2. Can a trustee who was never registered on title and only holds equitable title to the property disclaim the full legal title?
 - a. According to the *McFarlane* case, yes
 - b. According to the *McFarlane* case, no
 - c. According to the *Hewton* case, yes
 - d. According to the *Hewton* case, no
3. What is the procedural matter that must be demonstrated for a court to determine an application on the first return date?
 - a. There was service on the respondents
 - b. Notification to any relevant person was provided
 - c. The relevant persons responded to the application
 - d. All of the above

4. What was held in *Westpac Banking Corporation v State of Queensland* [2016] FCA 269?
- a. A legal interest is subject to any beneficial interests
 - b. A beneficial interest is not subject to registered interests
 - c. Any beneficial interest is subject to registered interests
 - d. None of the above
5. What did Justice Reeves rule in *National Australia Bank Limited v State of Queensland, in the matter of Collins (a bankrupt)* [2020] FCA 1889?
- a. It is only appropriate to order the surplus be paid into court in circumstances where there is not expected to be any surplus
 - b. It is never appropriate to order the surplus be paid into court
 - c. An order relating to surplus is never necessary
 - a. It is only appropriate to order the surplus be paid into court if it will not deprive creditors of their benefit

Answers:

1. b 2. a 3. d 4. c 5. a