

This matter will be heard
before Judge Burley on
23 May 2007 at 11.20am

FDN
IN THE SUPREME COURT OF SOUTH AUSTRALIA
No 192 of 2007

IN THE MATTER OF THE ESTATE OF ERINI STILIANO DECEASED
BETWEEN

ANNA MARIA ITSINES
Plaintiff

and

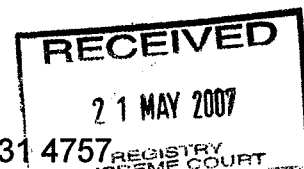
PHILIP STILIANOS, SARA STILIANOS, SHAMONA STILIANOS, GARY STILIANO
and STELLA STILIANO
Defendants

AFFIDAVIT OF VANESSA ANITA VARGA

Date of document:

Filed on behalf of the plaintiff by **Vanessa Anita Varga**
Treloar & Treloar
22 Grenfell Street
Adelaide SA 5000

Telephone: **8231 4757**
Facsimile: **8410 0083**
DX: **572**
L291
P8491
Email: **vanessa.varga@treloar.net.au**



If the above addresses are not the addresses for service under Rule 58, state the addresses for service.

Settled by: **Vanessa Anita Varga**

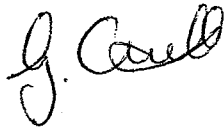
Date and time of filing or transmission:

I VANESSA ANITA VARGA of 22 Grenfell Street Adelaide in the State of South Australia Solicitor TAKE AN OATH AND SAY:

1. I am a solicitor employed by Treloar & Treloar Solicitors of 22 Grenfell Street Adelaide aforesaid solicitors for the plaintiff herein and I have the care and conduct of this matter.
2. On 24 April 2007 I sent an email to the fourth defendant to discuss his position concerning the plaintiff's interlocutory application dated 26 April 2007. On even date the fourth defendant sent an email to me stating that he is happy to renounce his executorship if an independent person or entity is appointed to act as executor. Now produced and shown to me marked "VAV1" is a copy of that email.
3. On 17 May 2007 I received an email from the fourth defendant attaching a statement and requesting that such statement be presented to the Court. Now produced and shown to me marked "VAV2" is a copy of that email and the attached statement.

SWORN at *Adelaide*
 by the said abovenamed Deponent on the
 21st day of *May* 2007
 Before me:

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GAETANO ANTHONY AIELLO
 A Commissioner for taking affidavits
 in the Supreme Court of South Australia

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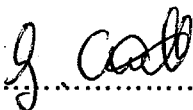
ANNA MARIA ITSINES
Plaintiff

and

PHILIP STILIANOS, SARA STILIANOS, SHAMONA STILIANOS, GARY
STILIANO and STELLA STILIANO
Defendants

EXHIBIT "VAV1"

This is the exhibit marked "VAV1"
referred to in the affidavit of Vanessa Anita Varga
sworn on the 21st day of May 2007 before me:



GAETANO ANTHONY AIELLO
A Commissioner for taking affidavits
in the Supreme Court of South Australia

Vanessa Varga

From: Gary Stiliano [garystil@ozemail.com.au]
Sent: Tuesday, 24 April 2007 1:50 PM
To: Vanessa Varga
Subject: Re: Estate of Stiliano

Yes Vanessa, paragraph 23.4 correctly reflects my view.

Provided somebody independent is appointed I am happy to renounce my executorship.

Philip's email is noted.

----- Original Message -----

From: Vanessa Varga
To: 'Gary Stiliano'
Sent: Tuesday, April 24, 2007 9:37 AM
Subject: Estate of Stiliano

Hi Gary

Please see email from Philip below.

We are now in the process of finalising Anna's application to retire as executor and we require you to sign the attached document entitled Renunciation of Gary.

The renunciation must be signed by you in the presence of a witness. I am happy for you to make an appointment with me to sign this document in my presence. In this regard I could then take you up to speed on Anna's application.

Paragraph 23.4 of Anna's affidavit in support of this application states...

23.4 I have conferred with Gary, my co-executor named in the Will. He has advised my solicitors Messrs Treloar & Treloar that he will renounce his executorship of the estate. He has indicated to my solicitors Messrs Treloar & Treloar his view, with which I concur that after careful deliberation, the best interests of the estate will be served by the appointment of an independent, impartial and objective personal representative who will not be liable to be affected by the pressure that Philip has been exerting.

Does this paragraph correctly reflect your view?

I look forward to hearing from you.

Kind regards

Vanessa Varga
Solicitor
Treloar & Treloar
Ph: (08) 8231 4757
Fax: (08) 8410 0083

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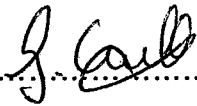
**ANNA MARIA ITSINES
Plaintiff**

and

**PHILIP STILIANOS, SARA STILIANOS, SHAMONA STILIANOS, GARY
STILIANO and STELLA STILIANO
Defendants**

EXHIBIT "VAV2"

This is the exhibit marked "VAV2"
referred to in the affidavit of Vanessa Anita Varga
sworn on the 21st day of May 2007 before me:



**GAETANO ANTHONY AIELLO
A Commissioner for taking affidavits
in the Supreme Court of South Australia**

Vanessa Varga

From: Gary Stiliano [garystil@bigpond.net.au]
Sent: Thursday, 17 May 2007 4:53 PM
To: Vanessa Varga
Subject: Erini Stiliano estate
Attachments: Executorship Erini estate.doc

Hi Vanessa,

Please advise whether the attachment can be presented to the judge?

Thanks,
Gary

Statement from the 4th defendant – re Anna Maria Itsines Vs Philip Stilianos and Ors

My name is Gary Stiliano and I am 56 years of age. I was named co-executor in my late mother's (Erini Stiliano) will, but renounced my executorship almost immediately after my mother died for reasons explained below.

By way of background, I served my country in the army in 1972 and subsequently worked as a tax auditor in the Australian Tax office for the remainder of my working life. I retired from the workforce at the age of 46 and one of my aspirations was, and still remains, is to make a positive impact on people's lives and make a worthwhile contribution to society.

My wife and I sponsor 3 children in overseas countries. We created and sponsor annually a "humanitarian award" at my old school (Salisbury High) where we reward outstanding acts of kindness, or self sacrifice by its students. My wife is a life member of Novita (formerly the Crippled Childrens association) and I am a major benefactor of the Hanson Cancer Research Centre. I created and sponsor annual encouragement awards to songwriters in the amateur music industry (Scala). I have made a number of substantial personal gifts to needy individuals and organisations and in many cases have done this anonymously. The Salisbury High and Scala awards are also anonymous because we do these things for the sheer love of it, not for recognition. We constantly look for ways that we can help people, clubs, organisations etc. In short, my wife and I are happy, positive people who strive to create a better society.

Back in 2001, I performed 2 executorships for my late father, Steve and my late brother, George. The beneficiaries in both cases were my siblings (Philip, Anna, Stella) and their children. I was savaged relentlessly by almost all of the beneficiaries and the horrendous allegations and abuse hurled towards me in relation to my executorship was something that to this day I still find hard to believe. It cost my wife and I our health and thus when my mother died, I had no reservations about giving up the executorship of her estate.

My family and I are no longer in contact with any of my siblings or their children. I have forgiven all of them for their sadistic conduct during my executorship, however, I have distanced myself from them in order to protect myself and my family from any similar conduct in the future.

Whatever values I have, I owe to my father who I loved dearly. He was a great man who tried to do the fair thing by all his children. When he informed me of my share of the land in Greece and handed me the titles, he warned me to have the land transferred to my name officially or to sell it, or else it could be left open to be seized by someone else. I did not take his warning seriously and when he died 8 years later, the land was indeed seized by the default beneficiary of this estate. Such is life.

Although I have severed all contact with the current executor of this estate, Anna Itsines, I can confidently say that she is much loved by her friends and family and is a well respected member of the Greek community. She has her shortcomings (as we all do), but she has performed the executorship of my mother's estate diligently and with honour. When we had a relationship, not once did I witness any acts of dishonesty and there is not a question in my mind that she has conducted herself most appropriately in administering the will under very difficult circumstances.

Given that she can no longer cope, and the fact that I have no desire to re-enter the fray, I think it has become important that the estate now be administered by an independent, non family member, who has no self interest.

I have had very little do with this estate to this point, but with the executorship coming under attack of yet another family estate, I wanted to express my views on this matter to provide some balance.

Regards,
Gary Stiliano
17/5/07