

**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 ANNA MARIA ITSINES

Date of document:

Filed on behalf of the plaintiff by **Vanessa Anita Varga
Treloar & Treloar
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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 ANNA MARIA ITSINES of 5 Frobisher Avenue Flinders Park in the State of South Australia Home Duties TAKE AN OATH AND SAY:

1. ERINI STILIANO late of 33 Halifax Avenue Parafield Gardens in the State of South Australia Widow deceased ("the deceased") died at Elizabeth Vale on the 7th day of March 2006 domiciled in the State of South Australia.
2. Probate of the Will of the deceased dated 30 November 1993 ("the Will") was granted to me by this Honourable Court on the 25th day of September 2006 leave being reserved for GARY STILIANO of 7 Jennifer Terrace Parafield Gardens in the said State son of the deceased ("Gary") the other executor to apply for probate.
3. I am the daughter of the deceased.
4. PHILIP STILIANOS of 2/3 Yendon Road Carnegie in the State of Victoria ("Philip") is a son of the deceased and the sole residuary beneficiary named in the Will.
5. I have issued legal proceedings as executor of the deceased's estate pursuant to Section 69 of the Administration and Probate Act 1919 (SA) and Rule 206 of the Supreme Court Rules (SA) seeking advice and directions and the determination of certain questions concerning the administration of the estate.
6. The outstanding issues concerning the administration of the estate are as follows:
 - 6.1 Beneficial ownership of a number of Greek properties in the name of the deceased remains unclear. However, I have received advice from Mrs Niki Pantazis of Pantazis-Kanellopoulos & Partners, a lawyer in Greece informing me that it is likely that these properties will form part of the estate and advice from Mr Roder of counsel that Greek law as to succession to those properties will apply.
 - 6.2 The deceased's interest in the house property situate at 31 Halifax Avenue Parafield Gardens in the said State of South Australia ("the Australian house property") was sold to the fifth defendant for the sum of \$62,500.00 on 20


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March 2003. The Australian house property was specifically devised in the Will to the second and third defendants. No application pursuant to Section 43 of the Guardianship and Administration Act 1993 (SA) has been made by either the second or third defendant.

- 6.3 There are active legal proceedings in Greece concerning Title 671 which is owned by the estate. I instructed Mrs Pantazis to act concerning these legal proceedings but she has since ceased to act. I am now instructing Ms Venetia Hiotakis to act concerning these legal proceedings.
- 6.4 I am unsure whether the payment of the debts, funeral and testamentary expenses of the deceased are to be borne as between the beneficiaries by the Greek properties owned by the deceased or by the proceeds of sale of the Australian house property.
7. I have been informed by my solicitors that Philip has demanded that I retire as executor and has threatened to bring an action to remove me as executor. These demands have been made by way of emails addressed to my solicitors Messrs Treloar & Treloar. These demands have also been made known to me personally by way of verbal discussion. Now produced and shown to me marked "AMI1" is a bundle of emails sent to Treloar & Treloar from Philip dated between 5 May 2006 and 31 January 2007.
8. Some time in the month of July 2006, Philip instructed Mr Matthew Fuss of Andersons Solicitors to remove me as executor. This is evidenced in an email to Mr Fuss from Philip dated 2 August 2006. Now produced and shown to me marked "AMI2" is a copy of that email.
9. I have been informed by my solicitors Messrs Treloar & Treloar that Philip has made a number of accusations against my husband and I. Philip has accused me of lying, failing to take an interest in the estate, making no effort to obtain evidence, arranging the legal proceedings in Greece concerning Title 671 to adversely effect the estate's interest in the land, attempting to obtain estate

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property by deception in addition to a number of other accusations. These accusations are documented in various emails from Philip addressed to my solicitors Messrs Treloar & Treloar. Now produced and shown to me marked "AMI3" is a bundle of emails sent to Treloar & Treloar from Philip dated 5 May 2006 to 20 April 2007.


10. I have also been informed by my solicitors Messrs Treloar & Treloar that Philip has accused Treloar & Treloar of "probate meddling" and that he has threatened to sue Treloar & Treloar for incompetence and negligence. Now produced and shown to me marked "AMI4" is a copy of two emails from Philip to Treloar & Treloar dated 6 September 2006 and 16 February 2007.
11. I instructed Mrs Pantazis to act for the estate in legal proceedings issued in Greece concerning Title number 671, being an estate property. I also engaged Mrs Pantazis to provide legal advice in relation to a number of outstanding issues concerning Greek law.
12. I have been informed by my solicitors Messrs Treloar & Treloar that on 1 March 2007 Philip sent an email to Mrs Pantazis which alleged that Mrs Pantazis is being wrongfully paid from estate monies. Now produced and shown to me marked "AMI5" is a copy of that email.
13. I have been informed by my solicitors Messrs Treloar & Treloar that on 5 March 2007 Vanessa Varga of Treloar & Treloar received an email from Mrs Pantazis dated 5 March 2007 stating that she was considering whether her firm should continue to act for the estate. Now produced and shown to me marked "AMI6" is a copy of that email.
14. I have been informed by my solicitors Messrs Treloar & Treloar that on 16 March 2007 Vanessa Varga of Treloar & Treloar received an email from Mrs Pantazis dated 15 March 2007 requesting the sum of 6,000.00 euros in trust and reserving their right to cease acting for the estate. Now produced and shown to me marked "AMI7" is a copy of that email.

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15. I have been informed by my solicitors Messrs Treloar & Treloar that on 19 March 2007 Vanessa Varga of Treloar & Treloar received an email from Mrs Pantazis dated 16 March 2007 informing her that because of Philip's conduct, they have ceased acting for the estate. Now produced and shown to me marked "AMI8" is a copy of that email.
16. Philip has also made several accusations against me to His Honour Judge Lunn by way of email addressed to His Honour's secretary dated 20 March 2007. Now produced and shown to me marked "AMI9" is a copy of that email.
17. My daughter passed away last year and I am one of the primary caregivers of my three year old granddaughter.
18. I say that all of the allegations made by Phillip that I have referred to herein are false.
19. I have at all times acted on advice from my solicitors Messrs Treloar & Treloar and from Mr Roder of counsel.
20. The emotional pressure, allegations and accusations made by Philip have caused me to become emotionally distressed. I am now so stressed that I believe myself to be unable to continue to act as executor of my late mother's estate.
21. At the time that I made the application for a Grant of Probate, I did not realise that Philip would repeatedly accuse me of acting fraudulently and that he would make the estate administration so difficult for me and that the emotional pressure would be so severe.
22. I have been advised by Ms Michelle Megan of Public Trustee that Public Trustee consents to being appointed as sole executor of my late mother's estate if such an appointment is consented to by this Honourable Court. I have executed a document making that appointment. A true copy is now produced to me and marked "AMI10".
23. I respectfully request that this Honourable Court consent to the appointment pursuant to section 15 of Public Trustee Act 1995 (SA) and revoke the Grant of

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Probate granted to me on the 25th day of September 2006 for the following reasons:

- 23.1 I do not think that I can continue to act as executor.
- 23.2 At the time that I made the application for a Grant of Probate I did not realise that the matter would be so complicated or that so much pressure would be placed on me.
- 23.3 I am very fearful of Philip in light of the threats, accusations and allegations he has made against me.
- 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.
- 23.5 My solicitors Messrs Treloar & Treloar have conferred with Ms Irene Stilianos ("Irene"), the mother potential litigation guardian of the second and third defendants and I have been informed that Irene will consent to the administration of the estate being conducted by Public Trustee.
- 24. My solicitors Messrs Treloar & Treloar have sought Philip's consent to this application by way of email. Philip has stated that he does not want Public Trustee acting. Now produced and shown to me marked "AMI11" is a copy of that email.

SWORN at Adelaide by the said)
 abovenamed Deponent on the 26th day)
 of April 2007)
 Before me:)
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A. M. Hines



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