

## David Price

### Curriculum vitae

Experience	2006: Commenced practice at the Bar 1995-2006: Solicitor / Senior Associate, Mallesons Stephen Jaques 1994: Tipstaff to Mr Justice Cohen, Supreme Court of NSW	
Qualifications	BEc, LLB (Hons) (Macq) - 1993 Dip Law (Barristers Admission Board) - 1992	
Areas of practice	Appellate Banking and finance Commercial law Company law Contract law	Equity and trusts Insolvency and bankruptcy Mortgages and securities Real property Wills and estates
Publications	<i>Constitutional Law, Case Summaries</i> 1st Ed (1994) - 6th Ed (2016) <i>Limitation of Actions Handbook, NSW</i> , Butterworths, 1998 <i>Testamentary capacity</i> , Law Society of NSW Journal, October 2019 <i>Knowledge and approval</i> , Law Society of NSW Journal, December 2020 <i>Suspicious circumstances</i> , Law Society of NSW Journal, May 2020	
Selected cases	<i>Fobeza Pty Ltd v James Adam Pty Ltd</i> [2020] NSWSC 597 - Contract - Sale of land - Construction of contract - Entitlement to rescind <i>McClellan v Horswill</i> [2020] NSWCA 30 - Specific performance - Subdivision and sale of portion of land - Part performance <i>In the matter of Oneoz Pty Ltd</i> [2019] NSWSC 1247 - Examinations - Power of Administrator - Whether power must be conferred by DOCA <i>Crawford v Davidson-Crawford</i> [2019] NSWSC 728 - Equity - Declaratory power - Rectification of Register of Births - Disproving paternity <i>Horswill v McClellan</i> [2019] NSWSC 557 - Specific performance - Sale of portion of land - Part performance - Sufficiency of acts <i>Sando Australia Pty Limited v ASIC</i> [2019] NSWSC 402 - Trusts - Original trustee erroneously deregistered - Mortgages in favour in original trustee - Appointment of new trustee - Vesting order <i>Estate of Baghdadi</i> [2018] NSWSC 554 - Executor - Duties - Administration - Restraint of distribution pending determination of estate's liabilities <i>Coffs Harbour and District Local Aboriginal Land Council v Lynwood</i> [2017] NSWCA 317 - Residential tenancies - Power to terminate tenancy of social housing - Statutory interpretation - Whether conflict between statutory provisions	

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*Bayside Council v V Corp Constructions Pty Ltd* [2017] NSWCA 120 - Contract - Construction of deed - Development Consent - Refusal of electricity supplier to approve works required - No breach - No damage suffered

*In re AJ Roberts Removals & Storage Pty Ltd* [2017] NSWSC 1054 - Company law - Oppression - Breakdown of relationship between members - Winding up - Just and equitable ground

*St George Bank v Meredith* [2017] NSWSC 961 - Mortgages - Surplus paid into court - Competing claims to surplus - Limitation of actions - Date for accrual of claim

*Application by Perpetual Trustee Company Ltd* [2017] NSWSC 35 - Trusts - Judicial advice - Surrender of interest by beneficiary - Acceleration of interests of remaindermen - Close of class of beneficiaries

*Gunns Finance Pty Ltd (Recrs & Mgrs Apptd) (in Liq) v Sithiravel* [2016] NSWSC 1543 - Contract - Identification of terms - Linked credit provider - Liability of supplier - Agency - Relationship with financial planner - Contracts Review Act - Loan agreements not unjust in circumstances

*Beefeater Sales International v MIS Funding No 1* [2016] NSWCA 217 - Contract - Construction - Managed investment scheme - Whether loan agreement conditional on grant of proprietary interest in forestry scheme

*McCarthy v National Australia Bank Ltd* [2015] NSWCA 370 - Application for leave to appeal - Multiple applications to set aside default judgment

*Schmidt v Pandja* [2015] FCCA 111 - Bankruptcy - Whether debtor can go behind judgment

*Weekes v Barlow* [2014] NSWSC 1776 - Family provision - Elderly claimant - Short marriage - Claimant's assets deployed for benefit of deceased - Lump sum ordered together with Crisp order and life interest in income from fund

*National Australia Bank Ltd v Smith* [2014] NSWSC 1605 - Banking - Loan agreements - Banking Code of Conduct - Contracts Review Act - Unconscionable conduct

*Wardy v Salier* [2014] NSWSC 473 - Family provision - Notional estate - Property subject to notional estate order - Assets in family trust - Power of appointment over family trust

*Mark Anthony Productions (NSW) Pty Ltd v University of Sydney Union* [2014] NSWSC 120 - Contract - Formation - No acceptance - No representation made to found promissory estoppel - Conventional estoppel - Common intention of parties - Reasonable period of notice to be given to terminate lease

*Zippoz Pty Ltd v National Australia Bank Ltd* [2013] NSWCA 113 - Estoppel - Alleged representation to permit deferral of loan repayments - Elements to be established