

# GREENS LIST

## BARRISTERS



DAVID LLOYD

BARRISTER - VICTORIAN BAR

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BAR ROLL: 1997 | ADMITTED: 1980

CONTACT INFORMATION

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SOCIAL NETWORK

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## PROFILE

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David has a well-established practice in the field of property law. He has undertaken work for the State and Federal Governments, the Registrar of Titles and the ANZ Bank.

He is the lead author of *Sale of Land Act Victoria* which was published in October 2015 by Thompson Reuters, and of two forthcoming works to be entitled *Transfer of Land Act Victoria* and *Victorian Land Contracts* respectively.

David has 35 years experience in property law, 17 of them as a solicitor. He has been a member of the Property Committee of the Law Institute of Victoria

for over 20 years and has spoken at seminars organised by the Law Institute of Victoria and the Leo Cussen Institute, amongst others. He has written many articles for the Law Institute Journal and is an author of the Contract of Sale of Real Estate co-published by the Law Institute of Victoria and the Real Estate Institute of Victoria.

David has appeared as counsel in a number of cases, including:

- *Rogalski v Bedelis Investments Pty Ltd* (2001) V ConvR 58- 562 - termination of retail lease
- *Barfly's Nominees Pty Ltd v Manthos* [2003] VCAT 1941 - lease repair covenant and set-off against rent
- *V K & M R Leong Nominees Pty Ltd v Batur* [2003] VSC 17 - equitable set-off under leases
- *Bretair Pty Ltd v Lenro Properties Pty Ltd* [2004] VCAT 1141 - rental valuation and disregard of improvements
- *Apriaden Pty Ltd v Seacrest Pty Ltd* (2005) 12 VR 319 - application of the doctrine of repudiation to leases
- *Graham v Gameday Enterprises Pty Ltd* [2008] VSC 140 - caveat removal
- *AAMR Hospitality Group Pty Ltd v Goodpar Pty Ltd* [2009] VCAT 2782 - assignment of retail lease
- *Holland v Roperti* [2009] VSC 378 - specific performance of sale of land contract
- *Histon Pty Ltd v. Thureau Pty Ltd* [2010] VCC 2014 - construction of lease
- *Johnson v Surf Coast Shire Council* [2011] VCAT 495 - valuation of land
- *Ottedin Investments Pty Ltd v Portbury Developments Co Pty Ltd* (2011) 35 VR 1 - terms contracts for the sale of land, waiver of statutory avoidance rights & summary judgment
- *Perpetual Trustees Victoria Limited v Xiao* [2011] VSC 680 - adjournment of trial
- *McDonald v Bowen & Pomeroy Pty Ltd* [2011] VCC 979 - priority of competing equitable interests
- *Perpetual Trustees Victoria Limited v Xiao* [2012] VSC 65 - application to set aside judgment

- *Putt v Perfect Builders Pty Ltd* [2013] VSC 442 - subject to finance condition
- *Freilich v Wharton* [2013] VSC 533 - modification of restrictive covenant
- *Putt v Perfect Builders Pty Ltd* [2013] VSC 600 - abuse of process, res judicata & issue estoppel
- *De Amicis v Mattiuzzo* [2013] VSC 733 - time of the essence of a contract; time period in notice of default
- *Perpetual Trustees Victoria Ltd v Xiao* [2015] VSC 21 - indefeasibility of title, forged mortgage, *Tsai* defence
- *Re PJJ Pty Ltd* [2015] VSC 401 - modification of restrictive covenant
- *Stoops v Lefas* [2016] VSC 350 - abuse of process; interpretation of covenant
- *Re Morihovitis* [2016] VSC 684 - modification of restrictive covenant
- *Re Jonson* [2016] VSC 721 - modification of restrictive covenant
- *Kotsifas v Parente* [2016] VSC 833 - validity of rescission notice; repudiation; relief from forfeiture of deposit
- *Sutherland v Globe Real Estate Pty Ltd* [2018] VSC 408 - costs & interest on judgment sum
- *The Bay and Bridge Hotel Pty Ltd v Ventofond Pty Ltd* [2018] VCAT 1489 - setting aside rental determination
- *ITMA by Tu and Yew* [2018] VSC 738 - restrictive covenant modification
- *Xu v Natarelli* [2018] VSC 759 - determining beneficiaries of restrictive covenants; building schemes; Property Law Act section 56
- *Coleston v Carney* [2019] VCC 177 - assessment of damages for breach of sale of land contract
- *Re Tang* [2019] VSC 467 - restrictive covenant modification
- *Re CLC Property Group Pty Ltd* [2019] VSC 492 - restrictive covenant modification

To get in touch with David Lloyd | or for more information please contact the

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