

SOLD FOR JUST \$10000

Built with his own hands, valued at more than \$630,000

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NEWS

A MAN who took on the Chinese government in Tiananmen Square is taking on the Victorian Sheriff for selling his \$630,000 home for just \$1000.

Zhiping Zhou says his Braybrook home — built with his own hands — was seized by the Sheriff and sold without a reserve price.

The \$1000 comes nowhere near paying a \$96,000 debt he allegedly owes another Chinese expatriate.

Records show the house went to auction at the Sheriff's Carlton office in December 2010, and was knocked down to Ronald Geoffrey Kousal.

Mr Zhou has begun Supreme Court action to quash the sale and prevent transfer of ownership to Mr Kousal.

"This is quite an extraordinary case," his lawyer, Paul Hayes, told the court.

He said Mr Zhou had had a mortgage on the property of about \$460,000, and equity of about \$170,000.

Mr Hayes said the sale should be quashed because the Sheriff had breached his duty of care to obtain a realistic sale price.

"We say there has been no sale made at all," he said.

Under common law, the auction was "not genuine" and "not real", he said.

"It's such an absurd and gross undervalue ... He (the Sheriff) must obtain a reasonable price

Mark Dunn

But Anthony Strahan, for the Sheriff, countered that the Sheriff's Act made the office "immune" from being held responsible for the outcome of such an auction, and the buyer must be protected.

Mr Zhou claimed he had difficulties with English and with understanding the legal ramifications of the Sheriff's notices to sell the property.

Questioned by Daniel Harrison, for Mr Kousal, Mr Zhou admitted owning four other properties, including a \$1.5 million development.

Outside court, Mr Zhou told the *Herald Sun* in broken English that he, his wife and three children would not leave the property and would fight any eviction or sale.

"I tell the Sheriff's office, 'Don't sell my home'. We already tell them something is wrong," he said.

Mr Kousal told the *Herald Sun* he bought Mr Zhou's stake in the property fairly at auction. It had so far cost him an extra \$119,000 in legal fees, stamp duty and costs.

The trial con-



Picture: CHRIS SCOTT

Law should stop home sale

A MAN whose house was sold for \$1000 should be protected by equity laws dating back to the Middle Ages, a Supreme Court judge heard yesterday.

Zhiping Zhou had faced a court order for repayment of an alleged \$96,000 debt, leading the Victorian Sheriff to sell his \$630,000 Braybrook home for what his lawyer, Paul Hayes, said was a "paltry" sum.

Ronald Geoffrey Kousal paid \$1000 for Mr Zhou's \$170,000 equity; a mortgage of \$460,000 remained.

Mr Hayes told the Supreme Court the Sheriff had breached his duty by accepting the "outrageously" low amount. "We would say Mr Kousal took advantage of the Sheriff's breach of duty," he said.

Mr Kousal conceded the \$1000 he paid for Mr Zhou's stake was probably worth about \$150,000.

The trial of an action to quash the sale and stop transfer of ownership continues on Monday.