

## A con man left mum homeless

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**Linda's mum was left homeless after her life savings were stolen by someone she trusted.**



### **Linda McKenzie, 46, Apollo Bay, Vic**

As I looked at the *Sold* sign, I smiled at Mum.

'Lots of memories in this house,' she sighed. It was June 2004, and my mother Mavis, 70, had just sold the family home.

Along with my dad, John, they'd lived there for 23 years.

He'd passed away from lung cancer two years earlier, so I knew Mum was sad to leave. 'But your new place is perfect. No lawns to mow,' I smiled.

Mum was buying a new unit in the same street. It would be a

fresh start, especially after all she'd been through.

After losing dad, my sister Kerry, 46, had also passed away from cancer a few months ago.

Along with my sister Gail, 50, we were all devastated. 'I don't want to be in the way while I'm staying at your place,' Mum fretted. 'We're looking forward to you staying,' I smiled.

Mum was very independent, but while her unit was being built she was going to live with me and my husband Graham.

After her house sold, the settlement for the unit was to be handled by a conveyancer, Robert Day, 60. He said the \$415,000 for the new unit would be held in trust by a solicitor and it would be paid to the builder on the settlement date. Robert worked for Grove Conveyancing Services, and many people spoke highly of him. 'Don't worry, I've arranged everything,' Mum told me.

Gail and I helped mum with the arrangements and at an appointment with Robert, I had no reason to doubt we could trust him. 'I'll look after your mum,' he told me. It wasn't as though we were investing in some scheme. Mum's money was being held in trust until the time came to pay for the unit.

A conveyancer deals with the legal side of buying and selling a property. Like most people, Mum was unfamiliar with that part of real estate, so she left it to Robert to organise it all.

Mum stayed with us for three months, then in September 2004 her new home was finished.

Settlement wasn't for a few weeks, but the builder let her move into her unit early. 'This is exciting,' she said with a smile I hadn't seen for some time.

I was thrilled to see how proud she was of her new home, pottering around as she found places for her belongings.

Three weeks later the full payment for the unit was meant to be made with Mum's money, but it hadn't come through.



But when Robert returned to Australia a month later in October 2004, the police had already begun an investigation into his business, bringing in forensic accountants and seizing his records.

Gail contacted a solicitor to see what we could do, but as months passed, it hung over our heads like a cloud. I thought about Robert's nice houses and holidays, while my poor mum lived in our spare room. The police kept us updated, but the investigation was complicated because few records existed.

We tried to make Mum as comfortable as possible as we planned to build a granny flat in our back garden. I was so angry that Robert Day hadn't only robbed mum of her home, he had also robbed her of her independence. In May 2008, after nearly four years of investigations, Robert Day, now 65, faced 293 charges of theft and deception.

It wasn't just Mum's money he'd stolen. There were dozens of victims. His brother Jeffrey had already been jailed for a minimum of five years for stealing \$1.4 million from trust accounts. My blood boiled as I watched Robert in the dock.

He eventually pleaded guilty to 182 counts including obtaining money by deception, obtaining financial advantage by deception, theft and making false documents.

On July 31 this year, he was sentenced at the Supreme Court in Geelong. 'I hope he gets what he deserves,' I said as Mum, Gail and I sat in the gallery.

In court we heard he'd stolen \$6 million from people just like Mum. The judge, Justice Jack Forrest, said Robert must have been aware of the impact his crimes would have.

'Your actions of deliberate dishonesty over 10 years have caused heartache and misery,' Justice Forrest said.

He sentenced Robert Day to 11 years jail, with a minimum of eight and a half years. The courtroom erupted in applause. 'I don't think he's even sorry for what he's done,' Mum said. Even though Day said he was remorseful, we didn't believe it. He was

a callous thief who lived the high life at the expense of vulnerable people who trusted him.

Now, with Day behind bars, it's given Mum some closure, but it's a wound that will never really heal. Mum's trust in people is broken, and so is mine. Today, Gail and I are focusing on making Mum happy.

Robert Day may have stolen Mum's money, but she has something he'll never have - the right to hold her head high, knowing she's a good and honest person.

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