

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU

CIVIL CASE NO. 159 OF 1996

(CIVIL JURISDICTION)

INTHE MATTER OF: a Mortgage dated
22 September 1994

AND IN THE MATTER OF: The Land Leases Act [CAP.163]

BETWEEN: VANUATU NATIONAL
PROVIDENT FUND, care of
P O Box 420, Port Vila, Efate in
the Republic of Vanuatu.

PLAINTIFF

A N D: NICHOLSON WOREK,
care of PMB 058
Port Vila, Efate in the
Republic of Vanuatu

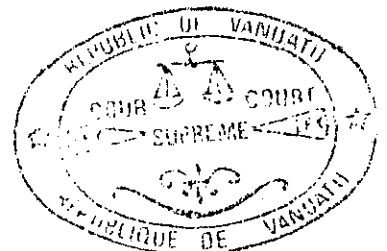
DEFENDANT

JUDGMENT

The Defendant not having appeared at the hearing of this matter on 10 April 1997 **AND UPON** reading the Affidavit of Service of SIMON JOEL SISI sworn on 23 December 1996, **AND UPON** reading the Affidavit of MENZIES SAMUEL sworn on 02 December 1996 **AND UPON** hearing Mr Silas Charles Hakwa of Counsel for the Plaintiff:

IT IS HEREBY ORDERED AS FOLLOWS:-

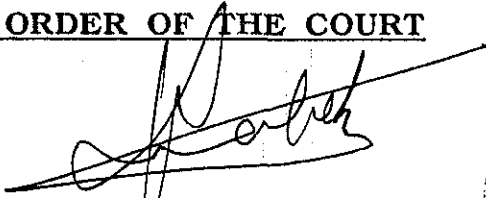
1. The Plaintiff is empowered to sell and transfer the Leasehold Property comprised and described in Title Number: 11/OE22/028 ("the Property") by such means and in such manner as it shall deem fit.
2. Pending any such sale and transfer the Plaintiff or any agent or agents duly authorised by it in writing is or are empowered to enter upon the Property and in all respects in the place and on behalf of the proprietor of the said Property and to apply in reduction of the monies due and owing to the Plaintiff all or any rent received in respect to the Property.



3. The purchase monies from the sale and transfer of the Property and the monies received (if any) by the Plaintiff pending such sale and transfer shall be applied:
- (a) Firstly in payment of the expenses occasioned by the sale and transfer of the Property or going into and remaining in possession (as the case may be) including all costs of and incidental to this action and application;
 - (b) Secondly in payment of the monies then due and owing to the Plaintiff;
 - (c) Thirdly in payment of subsequent registered Mortgages or encumbrances (if any) in order of their priority; and
 - (d) Fourthly the surplus of the monies (if any) shall be paid into this Honourable Court pending further Order of this Court.
4. The Defendant pays all costs of and incidental to this action and application.

Dated this 10th day of April 1997.

BY ORDER OF THE COURT


.....
His Lordship Vincent Lunabek,
Acting Chief Justice,
Supreme Court
Republic of Vanuatu

