

(CIVIL JURISDICTION)

IN THE MATTER of a Mortgage dated 23 October 2012 over strata title no's 1/SP0005, 2/SP0005, 3/SP0005, 4/SP0005, 5/SP0005 & 32/SP0005 as contained in Lease Title 12/0913/462,

IN THE MATTER of the Land Leases Act [CAP. 163] as amended.

BETWEEN: **STAGE FOUR LIMITED** a company incorporated in Vanuatu care of Law Partners, PO Box 212, Port Vila, Efate in the Republic of Vanuatu.

Claimant

Counsel: Nigel Morrison, Ridgway Blake Lawyers, First Bank Building, Rue Emile Mercet, PORT VILA

Claimant's Lawyer

AND: **BLUE GUM HOLDINGS LIMITED** C/- MBECS, 2 Cook Street, Numbatu, Port Vila Efate in the Republic of Vanuatu.

Defendant

DEFAULT JUDGMENT

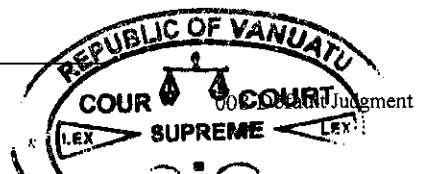
UPON considering the Claimant's Request for Default Judgment

AND UPON reading the sworn statement of service filed herein, I am satisfied that the Defendant has not filed a Response within 14 days nor a Defense within 28 days after being served with the claim in this proceeding.

AND UPON hearing Nigel Morrison for the Claimant

IT IS HEREBY ORDERED THAT:

1. The Claimant, as Mortgagee, be empowered to sell and transfer the strata title Properties contained and described in title numbers 1/SP0005, 2/SP0005, 3/SP0005, 4/SP0005, 5/SP0005 & 32/SP0005 as contained in Lease Title 12/0913/462 by such means and in such manner as it shall deem fit.
2. Pending such sale and transfer the Claimant, as Mortgagee, or any agent or agents duly authorised by it in writing, be empowered to enter on the Properties



and act in all respects in the place and on behalf of the proprietor of the leases, and to apply in reduction of the monies due and owing to the Claimant all or any rent received in respect of the said Properties;

3. The purchase monies arising from the sale and transfer of the Properties and the monies received (if any) by the Claimant pending such sale and transfer shall be applied;
 - (a) firstly, in payment of the expenses occasioned by the sale and transfer or going into and remaining in possession (as the case may be), including the costs of this application;
 - (b) secondly, in payment of the moneys then due and owing to the Claimant as Mortgagee;
 - (c) thirdly, in payment of subsequent registered mortgages or encumbrances (if any) in order of their priority;
 - (d) fourthly, the surplus (if any) shall be paid into this Honourable Court pending further order.
4. The Defendant pay the Claimant's costs of and incidental to these proceedings, to be taxed if not agreed/

DATED at Port Vila, this 9th day of May, 2018

BY THE COURT

G.A. Andrée Wiltens

Justice G.A. Andrée Wiltens

