

BETWEEN OTAGO STATION ESTATES LIMITED
Applicant

AND JOHN ROBERT PARKER
First Respondent

AND DAVID JOHN PARKER AND
LORRAINE MAREE PARKER
Second Respondent

Coram: Gault J
Keith J

Appearances: A R Galbraith QC and S A Grant for Applicant
N R W Davidson QC for Respondents

Date of Minute: 12 October 2004

MINUTE OF THE COURT

[1] The Court, having been satisfied that the proposed appeal involves a matter of general or public importance such that it is necessary in the interests of justice to do so, gives leave to appeal.

[2] The following ground is approved pursuant to r29(1) of the Supreme Court Rules 2004:

Whether, on the premise that the appellant as purchaser was in default under the contracts for sale and purchase dated 22 November 2000 for failure to pay the deposits, the default was remedied in the circumstances by the tendering of its personal cheque on 18 November 2002.

[3] Whether or not the appellant can argue on the appeal that, as at 13 November 2002 there was no default under the contracts, is reserved for consideration by the Full Court at the hearing of the appeal.

[4] Security for costs must be given by the appellant in the sum of \$6,000, to be paid to, or secured to the satisfaction of, the Registrar within 10 working days of the date of this Order.

[5] The Registrar will fix a date for the hearing of the appeal in consultation with counsel.

Solicitors:
Anderson Lloyd Caudwell, Dunedin, for Applicant
Berry & Co, Oamaru, for Respondents