

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 31/2007  
[2007] NZSC 50**

BETWEEN	DOLLARS & SENSE FINANCE LIMITED Appellant
AND	REREKOHU NATHAN Respondent

Court: Blanchard, Tipping and Anderson JJ

Counsel: W G C Templeton for Appellant  
J L Foster for Respondent

Judgment: 29 June 2007

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**JUDGMENT OF THE COURT**

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**A Leave to appeal is granted.**

**B The approved grounds of appeal are:**

- (a) Whether Mr Rodney Nathan acted as the agent of the appellant for the purpose of obtaining the signatures of his parents on the loan documentation, including the mortgage.**
- (b) If he did so act as agent, whether his fraud (the forgery of his mother's signature on the documentation) is attributable to the appellant so as to be regarded as its fraud.**
- (c) Whether the appellant's interest as mortgagee is subject to an in personam claim by the respondent.**

**C (a) Pending further order of this Court the order made by the High Court under s 85 Land Transfer Act 1952 in respect of Memorandum of Mortgage D 066912.1 North Auckland Land Registry is stayed.**

**(b) The appellant is directed to serve a sealed copy of these orders on the District Land Registrar, North Auckland Land District.**

With reference to the matter raised in paragraph 4.3 of the leave submissions on behalf of the appellant we note that it has not been put in issue in the proceeding before this Court.

**Solicitors:**

Blackwells, Auckland for Appellant  
Ellis Law, Auckland for Respondent