



Supreme Court of New Zealand

8 April 2008

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**DOLLARS & SENSE FINANCE LIMITED v REREKOHU NATHAN
(SC 31/2007) [2008] NZSC 20**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

Dollars & Sense Finance Ltd advanced money to Rodney Nathan on the security of a mortgage over his parents' home. It transpired that, unbeknown to Dollars & Sense or its solicitor, Mr Nathan had forged his mother's signature on the mortgage document. (She is now by survivorship the sole owner of the property.)

The Supreme Court has held unanimously, upholding the judgments in the High Court and the Court of Appeal, that the mortgage should be removed from the Land Transfer register. It has held that Mr Nathan was engaged as an agent by Dollars & Sense to obtain signature of the mortgage and that his act of forgery was sufficiently closely connected with the task he was engaged to undertake that it must be treated as done within the agency. The fraud committed was therefore the fraud of an agent of Dollars & Sense and accordingly it did not by registration obtain an indefeasible title.

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