
BETWEEN: BANK SOUTH PACIFIC (VANUATU)
Claimant

AND: FLORA KALSAL
Defendant

Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Nigel Morrison for Claimant*
Jacob Kausiama for the Defendant

Date of Hearing: *15th February 2017*

Date of Judgment: *3rd March 2017*

JUDGMENT ORDER

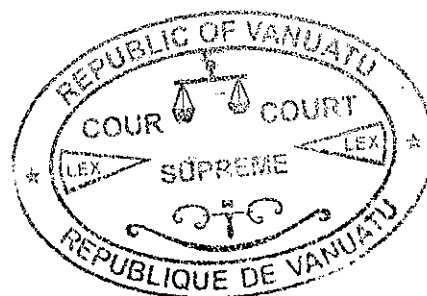
Upon hearing Counsel for the Claimant and having read the sworn statement in support of claim by Elizabeth David and being satisfied that the Defendant was served with the Claim.

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 Defence within 28 days after being served with the claim in this proceeding.

It is Ordered that:

Judgment be entered in favour of the Claimant against the Defendant as follows:

1. The Claimant as Mortgagee be empowered to sell and transfer leasehold property contained and described in Title Number 12/0633/755 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 said leasehold property and act in all respects in the place and on behalf of the proprietor of the lease, and to apply in reduction of the monies due and owing to the Claimant all or any rent received in respect of the said property.



3. The purchase monies to arise from the sale and transfer of the said leasehold property 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 be) including the costs of this application,
 - b) Secondly in payment of the moneys then due and owing to the Defendant 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 pays the costs of and incidental to this proceeding as taxed or agreed.
5. The enforcement of these Orders is stayed until further orders of the Court.

DATED at Port Vila this 3rd day of March 2017

BY THE COURT

OLIVER.A.SAKSAK

Judge

