

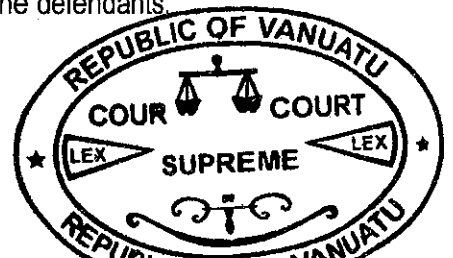
BETWEEN: Steve Elsium, representing Family Tolsie Awop
Claimant

AND: Eli Misev and Family
First Defendant
Jean Marc Yorley and Family
Second Defendants
Salma Malites and Family
Third Defendants

Date: Monday, 20 August 2018
By: Justice G.A. Andrée Wiltens
Counsel: Ms M Nari for the Claimants

JUDGMENT

1. Mrs Nari has filed an application for Summary Judgment and provided a sworn statement by Steve Elsium in support.
2. It is apparent that the first, second and third defendants have all taken no steps in this matter whatever.
3. It is also apparent that each defendant would appear to have no lawful basis for occupying any of the land involved, as there has been a definitive decision by the Court of Appeal to that effect, which has been distributed to the defendants and followed up with letters of demand to vacate the property - which letters have been simply ignored.
4. In the circumstances, I cannot see any available defence; and no steps have in any event been taken to demonstrate that there is an available defence for any of the defendants.



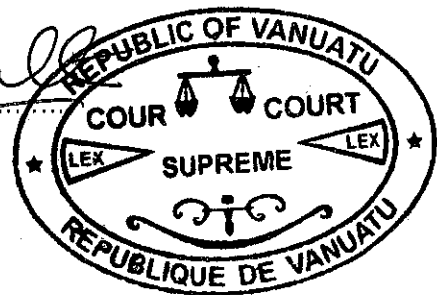
5. In the circumstances, the claimant is entitled to judgment.

6. I therefore order that:

- All the defendants, their families and extended relatives, associates and agents vacate the land known as Amelprev custom land within 21 days from the date of this judgment;
- The first defendant is to pay to the claimant the sum of VT 2,700,000 within 30 days from the date of this judgment – on the basis that the first defendant has occupied the land since 2007, and rental is assessed at VT 300,000 per annum;
- The second and third defendants are to pay to the claimant the sum of VT 900,000 within 30 days from the date of this judgment – on the basis that the second and third defendants have occupied the land since 2007, and rental is assessed at VT 100,000 per annum for each;
- Interest is to run on any outstanding amounts, not paid within the time allowed, at the rate of 5% per annum
- The claimant is entitled to be paid costs by the defendants – they are to be taxed and borne equally by the three defendants.

Dated at Port Vila this 20th day of August 2018
BY THE COURT

G.A. Andrée Wiltens
Justice G.A. Andrée Wiltens



REPUBLIQUE DE V