

fraud had been perpetrated against me (as I had alleged in the 1995 proceedings) I could not say or demonstrate what that fraud was or who was responsible for it.

- b) On the one hand, I thought I had proof of the matters set out in the 1995 Supreme Court proceedings that at law a reticulated water supply was required to be present in 1979. On the other hand I had been shown a reticulation plan in the Practice Court which showed that the primary water main was laid in 1982.
- c) I could not reconcile the competing propositions referred to in (b) above. Accordingly, I felt unable, after settlement of the 1995 proceedings, to prove any wrongdoing on behalf of either the Council or Water Board.

★ 51) In relation to Buchanan I had formed the opinion that he was a dishonest person. I learned from my lawyer, Mr. Danny Ginsburgh that Buchanan had somehow managed to manipulate the plans of subdivision to avoid the provisions of s9 of the Sale of Land Act thereby enabling him to sell allotments and raise capital for the provision of roads and water which he ordinarily had an obligation to provide, or make provision for, prior to sale. I had no reason to suspect that the Council was in any way involved in Buchanan's wrongdoing.

52) In relation to the Council and Water Board I had no knowledge of anything save that which had been previously set out in the previous proceedings together with knowledge that the water main had been laid in 1982 as represented by the Counsel and lawyers for the defendants.

*My state of knowledge in August 2000:-*

53) In relation to Tylden Rd.

- a) For the purpose of preparing a defence and counterclaim against the Council in respect to a rates claim which the Council had brought against me I again began reviewing all of the documents available to me. I re-examined the contents of the large black folder referred to in paragraph 26 of this affidavit.
- b) Upon examining the documents within the black folder it became apparent that there were two versions of the plans for the industrial allotments of the Tylden Rd subdivision. Namely complete versions and clipped versions. I recognised the clipped versions as being the same as those which had been submitted into evidence by Wilson in the 1987 Magistrates Court proceeding and in the subsequent Supreme Court Appeal. I also noticed that the clipped versions had been clipped in copying in such a manner as to remove or omit the identifying number which was present on the complete version. Now produced and shown to me and marked with the letters "GAT-7" is a bundle of plans comprising the complete versions of those plans. Now produced and shown to me and marked with the letters "GAT-8" is a bundle of plans comprising the clipped versions of those plans.
- c) I then noticed that the black folder also contained copies of the residential series of the Tylden Road plans of subdivision and that these plans had also been clipped and I recognised these

