

910054

Nevile & Co
SOLICITORS

Level 7-100 Collins Street
Melbourne Vic 3000
AUSTRALIA

Telephone +613 650 5261
Facsimile +613 654 6781

Peter C. Nevile
B. Juris., LL.B.

91186MD

4th December 1991

Messrs Armstrong, Collins & DeLacy
Barristers & Solicitors
2 Jennings Street
KYNETON VIC 3444

ATTN: Mr J Leach

Dear Sir

GA & CM THOMPSON ATS SHIRE OF KYNETON

We have to hand a copy of your letter to Mr & Mrs Thompson dated 8th November 1991 and advise that we now act for Mr & Mrs Thompson in this matter.

We are somewhat surprised to learn from our client that the complaint issued on the 17th July 1991 would appear in its face to arise out of the same cause of action as default summons previously issued on the 4th December 1987.

We understand that this matter was canvassed in the court at Kyneton on the 15th November. We also understand that our client foreshadowed he would be making an application to have this summons struck out for the reasons we have just mentioned and that he will be claiming costs.

As a matter of courtesy, we therefore advise you that our instructions are to seek to have your second summons, struck out and we will of course be seeking costs.

To avoid unnecessary further expense and the courts time, we would be pleased if you would advise whether your client consider to withdraw the summons and pay our costs to date. If we do not hear from you within 48 hours from the date of this letter, then we will proceed to instruct counsel for the hearing.

Yours faithfully
NEVILE & CO



Peter Nevile