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IN THE MAGISTRATES COURT  
AT KYNETON

No. D32/88

B E T W E E N :

THE PRESIDENT COUNCILLORS AND RATEPAYERS  
OF THE SHIRE OF KYNETON  
Complainant

- and -

GLENN ALEXANDER THOMPSON  
Defendant

REQUEST FOR FURTHER  
PARTICULARS OF THE COMPLAINANTS' CLAIM

TAKE NOTICE that the Complainant is required by the Defendant within 10 days of the receipt of this Request to file with the Clerk of the Magistrates' Court at Kyneton and to deliver to the Defendant's solicitors Further Particulars of the Claim referred to in the Default Summons herein and dated the 4th day of December 1987 as follows:

NOTE:

- A. Wherever in this Request 'the usual particulars' are sought of any agreement, arrangement, understanding, variation, rescission, termination or discharge, notice, demand or thing, you are required to state whether the same was wholly or in part (stating which) in writing, oral or to be implied.

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- (i) Insofar as the same was in writing, you are required to identify each document constituting the same and say where each such document may now be inspected. In respect of any such document which has been lost or destroyed, you are required to state whether the said document has been lost or destroyed and to set out the terms of such document to the best of your recollection or belief.
  - (ii) Insofar as the same was oral, you are required to state the substance of the conversation or, if more than one, each of the conversations constituting the same, and say how, when, where and between what actual persons each such conversation took place; for each such person who was acting as an agent of either the Complainants or the Defendant state (with all material names, dates and places) each act, fact, matter, thing, circumstance, event or omission alleged to have given rise to the said agency.
  - (iii) Insofar as the same was to be implied, you are required to state (with relevant dates and places) the acts, facts, matters, circumstances, events or omissions giving rise to each such implication.

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B. Wherever in this Request 'the usual details' are requested, you are required to detail (with all material dates and places) each act, fact, matter, thing, circumstance, event or omission relied upon by you as Complainant.

1. Detail as precisely as possible, setting out all relevant calculations, the manner in which:

- (i) the claimed sum of \$4,426.36;
  - (ii) each and every item comprising that sum;
  - (iii) the alternative claimed sum of \$3,236.07;
  - (iv) each and every item comprising that sum;
- has been calculated, quantified or ascertained.

2. State the address or addresses of each and every piece of land in respect of which the alleged outstanding rates are said to have accrued.

3. For each and every piece of land in respect of which the alleged outstanding rates are said to have accrued, state:

- (i) the period during which it is said the alleged unpaid rates accrued;
- (ii) the date on which it is said the alleged unpaid rates were payable by the Defendant;
- (iii) the amount of interest which it is said has accrued in respect of the alleged unpaid rates, the rate at which such interest was charged, and the dates between which such interest was computed.

4. For each and every piece of land in respect of which the alleged outstanding rates are said to have accrued, give the usual details of the service or services said to have been provided by the Complainant for which the rates are said to have been payable.

5. For each and every piece of land in respect of which the alleged outstanding rates are said to have accrued, state whether the said monies are said to be payable by the Defendant pursuant to some agreement, arrangement or understanding between the Complainant and the Defendant and if yes:

- (i) give the usual particulars of each such agreement, arrangement or understanding; and
- (ii) state whether each such agreement, arrangement or understanding has subsequent to its making been varied, rescinded, terminated or discharged and if yes, give the usual particulars of the said variation, rescission, termination or discharge.

6. For each and every piece of land in respect of which the alleged outstanding rates are said to have accrued, state whether notice has been served upon the Defendant on any (and what) date in respect of the said rates and if yes:

- (i) give the usual particulars of each such notice; and

- (ii) state whether each such notice has subsequent to its service been varied, rescinded, terminated or discharged and if yes, give the usual particulars of the said variation, rescission, termination or discharge.

DATED the                      day of June 1988.

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NEVILE & CO.  
Solicitors for the Defendant

TO: The Complainant and its solicitors,  
Mr Alistair Pirie,  
7 Edward Street,  
BENDIGO. Vic 3550.