

SUPREME COURT OF QUEENSLAND

CITATION: *Young & Ors v Hoger & Ors* [2001] QCA 461

PARTIES: **WILLIAM IAN YOUNG**
DELICE YOUNG
GARY ALAN GRANT
EVELYN JEAN GRANT
LAKE MAPLE PTY LTD ACN 101 800 281
(plaintiffs/appellants)
v
ELVIN JOHN HOGER
(first defendant/first respondent)
MERLE EDITH HOGER
(second defendant/second respondent)
STATE OF QUEENSLAND
(third party/third respondent)

FILE NO/S: Appeal No 175 of 2001
SC No 8689 of 1998

DIVISION: Court of Appeal

PROCEEDING: General Civil Appeal - Further Order

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: Judgment delivered 23 October 2001
Further Order delivered 26 October 2001

DELIVERED AT: Brisbane

HEARING DATE: 23 August 2001

JUDGES: McMurdo P, Davies JA and Holmes J
Further Order of the Court

FURTHER ORDER: **1. That the matter be remitted to the Trial Division for determination of the issues arising on the pleadings between the first defendant, the second defendant and the third party.**
2. That order 2 of orders made 23 October 2001 be varied as follows:
"2. Set aside the following orders made below:
(a) orders 1, 2 and 3 made 6 December 2000;
(b) orders 1 and 2 made 12 December 2000."

COUNSEL: J A Griffin QC with B G Cronin for appellants
D J Campbell for first respondent
No appearance for second respondent
R J Douglas SC with B J Clark for third respondent

SOLICITORS: Walsh & Partners (Gold Coast) for appellants
J J Riba & Company (Maroochydore) for first respondent
No appearance for second respondent
C W Lohe, Crown Solicitor for third respondent

