



Transcript of Proceedings

Copyright in this transcript is vested in the Crown. Copies thereof must not be made or sold without the written authority of the Director, State Reporting Bureau.

REVISED COPIES ISSUED
State Reporting Bureau
Date: 21 November, 2005

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

HOLMES J

No 6937 of 2005

PERMANENT CUSTODIANS LIMITED

Plaintiff

and

FAY LAUREL WALLACE

Defendant

BRISBANE

..DATE 07/11/2005

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HER HONOUR: This is an application on the papers for substituted service pursuant to rule 116 of the Uniform Civil Procedure Rules of three claims commencing proceedings in three actions each for the recovery of possession of land and arrears under a mortgage debt.

1

10

The three respective properties are at 69 Donald Street, Camp Hill, Old Cleveland Road, Camp Hill and Oxford Street, Woolloongabba.

The defendant, when she entered at least one of the loan agreements on 14 May 2004, gave her address as the property at 69 Donald Street, Camp Hill. Mr Hardcastle, for the plaintiff, deposes that the plaintiff's collections officer has advised him that there has been no subsequent change of address. That, therefore, was the address provided to Mr Haydt, a commercial agent engaged to serve the claim on the defendant.

2

30

He has provided an affidavit in which he says he attended at the property at 69 Donald Street, Camp Hill and was informed by a young woman in residence the defendant did indeed live there but was overseas and was due back in about two weeks. On two subsequent attempts he found no-one at home. On a third attempt, another young woman advised him that she was renting the downstairs area of the residence and was looking after the house while the defendant was away. She had still not returned from overseas and no return date was known.

40

50

On the 9th of September, Mr Haydt went to the premises and was told by a woman there that she was a friend of the defendant who had called in and the defendant was not due back for another two weeks.

1

On the 15th of September he went to the residence again and found the same female person who again said that she was a friend of the defendant. It seems distinctly possible that that was in fact the defendant. On another attempt, on the 24th of September 2005 he found no-one home.

10

20

Given those multiple attempts at service and apparently inconsistent information about the defendant's movements, I am satisfied that it is not practicable to serve the document by personal service at that address and that it is an appropriate case for substituted service by posting of the claim, together with a copy of my order, to the defendant at 69 Donald Street, Camp Hill.

30

I will therefore make the orders as per the drafts.

40

50