

Application

No. _____ of 20____

Federal Court of Australia
District Registry: Western Australia
Division: General

In the matter of Andrew Laughton

Andrew Laughton

Applicant[s]

Mr James Glynn Marsh

Mrs Sharyl Marsh

Respondent[s]

To the Respondent
of [14 Trinity Rise, Bunbury, Western Australia]

Application and Court hearing

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time, date and place shown in the Notice of Filing and Hearing attached. [Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this application is accepted for filing.] If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file and serve a notice of appearance (Form B4) in the Registry before attending Court or taking any other steps in the proceeding.

Details of claim

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

Filed on behalf of (name & role of party) Andrew Laughton

Prepared by (name of person/lawyer) Andrew Laughton

Law firm (if applicable) _____

Tel 0409 931 559 Fax _____

Email Laughton.andrew@gmail.com

Address for service 11b Keble Heights, Bunbury, Western Australia.
(include state and postcode) _____

1. That Bankruptcy notice 233686 issued on 28 February 2019 which was served on me on 28 February 2019 be set aside on the following grounds;
2. As per point 5 of the Bankruptcy notice. Bankruptcy act Sect 41(6A)(a) Bankruptcy act Sect 41(7)
3. I will have a counter-claim exceeding the amount claimed in this Bankruptcy notice.
 - a. The Counter claim will be for a minimum of \$15,000, exceeding the cost of the claim by over \$2,000.
 - b. I cannot set up that counter-claim until the Court of Appeal has heard this case as it may nullify parts of that counter-claim.
4. The order that I seek from the Court is that all payments be delayed at least until this matter has been resolved by the Court of Appeal in Western Australia, and for costs to defend this notice.

Claim for interim relief

The Applicant also claims interim relief.

1. As per 4(a) of the Bankruptcy notice
2. Bankruptcy Regulations 1996-Reg 14.09 Bankruptcy Act 1966-Sect 33
Bankruptcy act Sect 41(6A)(a) Bankruptcy act Sect 41(7)
- a. This is still before the Court of Appeal in Western Australia as case
NO.: CACV 9 OF 2019
- b. The Creditors were fully aware of this appeal before they issued a Bankruptcy Notice.
- c. I have yet to receive any notification from the District court or Baliff's office, or any reference number or details that I may use to pay this claim.
- d. I also have no banking details to where I can transfer this money.
- e. I am reluctant to pay this amount directly to the creditor as I am concerned that they will deny receiving any payment and also try to claim a second payment though the court.
3. The order that I seek from the Court is that all payments be delayed at least until this matter has been resolved by the Court of Appeal in Western Australia, and for costs to defend this notice.

Applicant's address

The Applicant's address for service is:

Place: 11b Keble Heights, Bunbury, Western Australia. 6230

Email: laughton.andrew@gmail.com

The Applicant's address is 11b Keble Heights, Bunbury, Western Australia. 6230.

Service on the Respondent

[Select one of these 3 options and delete others]

[*]It is intended to serve this application on all Respondents.

[*or]It is intended to serve this application on the following Respondents:

Mrs Sharyl Marsh

[*or]It is not intended to serve this application on any Respondent.

Date: 15 March 2019



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Signed by Andrew Laughton
Applicant