



IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV/2072/2019

BETWEEN:

**SHIRE OF SERPENTINE JARRAHDAL (ABN
98 924 720 841)**

Plaintiff

AND

THE MINISTER FOR LANDS

Defendant

**ORDER OF MASTER SANDERSON
MADE 27 November 2020**

UPON THE APPLICATION of the plaintiff by writ of summons filed 20 June 2019, AND UPON READING the affidavits of Julie-Anne Farley sworn 5 February 2020 and 8 July 2020, AND UPON the application being determined on the papers, AND BY CONSENT OF THE PARTIES recorded in a memorandum of proposed consent orders filed 24 November 2020, IT IS ORDERED THAT:

1. The directions hearing listed on 26 November 2020 be vacated.
2. The writ be treated as if it was an originating process filed pursuant to the Supreme Court (Corporations) (WA) Rules 2004 (WA).
3. Pursuant to sub-section 568F(1) of the Corporations Act 2001 (Cth), Lot 19 on Strata Plan 14911 together with a share in any common property as set out in the Strata Plan, Volume 1943 Folio 90 (registered street address Unit 19, 1256 Rowley Road, Darling Downs) (Property) vest in the plaintiff.
4. On the vesting of the Property in the plaintiff, the plaintiff shall sell the Property, subject to such sale not occurring until at least 21 days after the plaintiff has obtained and produced to the State Solicitor's Office a report from a land valuer licensed under the Land Valuers Licensing Act 1978 (WA) which concludes that the proposed sale price is for fair market value.
5. The plaintiff shall lodge with the Registrar of Titles at the Western Australian Land Information Authority (Landgate):
 - (a) a sealed copy of these orders; and

- (b) an application to the Registrar of Titles in the prescribed form pursuant to s 242 of the Transfer of Land Act 1893 (WA).
6. The plaintiff must execute and facilitate the lodgement at Landgate of a transfer of the Property as registered proprietor of the fee simple pursuant to the Transfer of Land Act 1893 (WA).
7. The plaintiff shall apply the proceeds of sale as follows:
 - (a) first, in payment of any statutory costs and charges affecting the Property, except those payable to the plaintiff under order 7(c) below;
 - (b) second, in payment of any unpaid contributions levied under section 100 of the Strata Titles Act 1985 (WA) in relation to the Property;
 - (c) third, in payment of all costs, charges and expenses properly incurred by the plaintiff in relation to the sale of the Property;
 - (d) fourth, in payment of the statutory costs and charges affecting the Property that are payable to the plaintiff;
 - (e) fifth, in payment to the Crown in right of the State of Western Australia by way of payment to Consolidated Revenue.
8. Within 21 days after the sale and transfer of the Property in accordance with order 4 above, the plaintiff must provide an account of its payments and receipts to the State Solicitor's Office.
9. In the absence of the filing of any application within 28 days after the provision of the account provided for in order 8 the proceedings be otherwise dismissed.
10. There be liberty to apply.
11. There be no order as to costs.

BY THE COURT

MASTER C SANDERSON