

on subdivisions consisting of three or more allotments but was instead for the purpose of preventing the sale of allotments on subdivisions consisting of three or more allotments until such time as section 569 of the Local Government Act had been complied with and the plans of subdivision had been sealed according to law and the allotments were therefore guaranteed to be useable.

- i) It then occurred to me that unlawfully sealing plans of subdivision without services being present was in fact an insidious method of facilitating the avoidance of the effect of section 9 of the Sale of Land Act 1962 and for facilitating the purpose of that avoidance which was to effect settled sales.
- j) This then raised the astonishing spectre that this is what may have happened in relation to Woodleigh Heights because this was a complete explanation for all that had occurred in respect to Woodleigh Heights and was also a complete explanation for the construction of the water mains in 1982 instead of 1979.
- k) Before I could conclude this as a fact, let alone actionable fact, I needed to conclusively demonstrate that this is what was in the mind of the Defendants at the time of sealing the plans and of concealing the facts of the sealing. To do this I required some convincing and hopefully corroborating evidence.
- l) I already had compelling evidence as to the intent of Buchanan to avoid and breach s.9 in relation to Tylden Rd. Namely the contrived 2-lot plans and the fact of the sales in clear breach of s.9.
- m) I then began reviewing all of the documents available to me, during this process I re-examined the contents of the Black Folder.
- n) Upon examining the Black Folder and observing incomplete and complete copies of the industrial plans in order it occurred to me for the first time that the plans of subdivision which were exhibited in the Magistrates and Supreme Court and discovered in the County Court may not be just incomplete copies which had been copied on a copier which was too small, for the first time it became apparent to me that they may well have been clipped for a purpose and it may have been that omitting or clipping of the identifying number was significant.
- o) With this in mind I then reflected on the Magistrates Court proceeding.
- p) My object was to discover as to whether or not I could advance my thought that the plans may have been clipped for a purpose.

- q) In the Magistrates Court, a bundle of documents was tendered which contained the documents set out in paragraph 53(c)(i) of my first Affidavit and Wilson for the First Defendant gave evidence as set out in paragraph 53(c)(ii) of my first Affidavit.
- r) The s.569E Notice which was in evidence in the Magistrates Court bore the plan reference 79305/G. From the time of the County Court proceeding I was aware that this reference number in fact related to one of the plans in the series of plans however at the time this meant nothing as the Defendants had discovered a number of single documents as being representative of a number or sequence of similar documents and at the time of the previous Tylden Rd proceeding that was the concept in respect to this particular Notice of Requirement and the fact of a number or series of such notices was consistent with the notion that the single plan had been processed as a series of plans and it followed that the single s.569E Notice which had been issued had also been issued as a series.
- s) At that time it was considered representative of the number of Notices purportedly issued including the Notice which related to the plan of 20th February 1980.
- t) I then discovered that on examining the complete versions of the plans that the alpha lot number or in other words the lot number in the alphabetic series “A”, “B”, “C” etc corresponded with the alpha portion of the plan reference numbers or in other words the plan bearing the number 79305/G was the plan having the allotment “G” on it.
- u) Upon realising this I was in a position to demonstrate that at the time of giving his evidence Wilson was absolutely aware that the s.569E Notice which he had exhibited in the Magistrates Court in fact related to one of the series of plans and specifically not to the plan which the First Defendant had considered on 20th February 1980 as represented in evidence by Wilson. The critical point here is not what I knew by the time of the County Court proceeding but is what Wilson and the First Defendant knew at the time of the Magistrates Court proceeding.
- v) The significance of this was that the First Defendant was suing me in the Magistrates Court for overrun of road construction costs. Plan 79305/G does not show all of the road in respect to which I was being sued. Notices of Requirement by their specific terms relate to the road shown on the plan to which it relates. The plan of 20th February however showed the whole of the road so if no s.569E Notice existed in relation to the Plan of 20th February then the First Defendant, having brought a false action against me was left with no option other than to fabricate the documents by clipping the identifying numbers off and lying to the Court about the facts.
- w) It followed therefore that if there existed a s.569E Notice which related to the plan of 20th February 1980 then it would have been exhibited and there would be no need to exhibit the wrong

s.569E Notice and no need to exhibit incomplete or poorly copied plans or as I now conceptualised them to be, “clipped” plans.

- x) It followed therefore that there was in fact no s.569E Notice in relation to the plan of 20th February 1980 and that each of the plans in the series of plans had been clipped to conceal this fact.
- y) From this and now with the benefit of the things learned from discovery in the subsequent County Court proceeding and in particular that the series of plans had in fact been filed on 4th March 1980, it became obvious that the plan of 20th February 1980 had in fact been abandoned and the series of plans had been subsequently filed and accepted and processed in unlawful substitution for the plan of 20th February and that the evidence given by Wilson in both the Magistrates Court and Supreme Court was false and was known to be false at the time it was given.
- z) It then followed that the series of s.569E Notices which purported to have been served, including the one with the reference number 79305/G were served without an enabling resolution of the First Defendant and were therefore without authority of law and were in fact fabricated.
- aa) Upon coming to these conclusions I had not only the demonstrable intent of Buchanan to avoid s.9 and the fact of his sales in breach of s.9 but I also had compelling evidence that the Defendants had knowingly and deliberately conspired with Buchanan to this effect in relation to Tylden Rd and the specific method was in accord with my new and holistic understanding of the law which was specifically to seal the contrived series of plans in full knowledge that services did not exist and in full knowledge that there was no lawful means to compel construction of those services.
- bb) Upon coming to these realisations in August 2000 I was possessed for the first time of the concepts now set out and which had been concealed from me and the Courts. I therefore for the first time had compelling evidence as to the intent and state of mind of the First Defendant at the time and that the state of mind was that it had abandoned the plan of 20th February 1980 and then accepted the filing of and processed the contrived series of plans in substitution and the evidence was that the intent and state of mind of the First Defendant was to aid and abet Buchanan in his clear intent to avoid s.9.
- cc) As the s.569E Notices did not have Authority of law and had been fabricated, then the First Defendant and Buchanan were plainly aware of this fact and so when Buchanan made his threat to bankrupt me all he needed to do was to renege on the thieves bargain and leave the Defendants with no option other than to use their own money or defraud me for the purpose of facilitating construction of the missing services, as they did. With gusto I might add.

- dd) It may well be of course that Buchanan did not renege, there may well have been a further agreement between thieves to implement Buchanan's threat and on this point there is a complete dearth of effort by the Defendants to have Buchanan complete the works. Immediately following the threat of Buchanan to bankrupt me the Defendants did as a matter of fact implement the secondary frauds which were specifically directed against my family and I.²⁸
- ee) I then turned my mind again to Woodleigh Heights.
- ff) In considering all of the facts with regard to Woodleigh Heights and the law it was apparent that there was only one lawful scenario and that was that the private reticulated water supply be present in 1979 at the time that the plans were sealed. That the primary reticulation system had been constructed in 1982 and not 1979 and that the Defendants had perpetrated the secondary fraud to effect that construction was clear evidence that the plans had been sealed in full knowledge that the services did not exist and that there was no lawful mean of compelling those services.
- gg) This was entirely consistent with Buchanan's known intention to avoid section 9 of the Sale of Land Act and in accord with my new holistic understanding of the law and in accord with the new concept in relation to Tylden Rd.
- hh) In addition the fraud which I now saw to be the secondary fraud that had demonstrably occurred in relation to Woodleigh Heights, but which I could not previously explain, could now be explained and was completely consistent with this scenario.
- ii) As the Woodleigh Heights subdivision had not been completed in accord with the planning permit and the law and as the sealing of the plans had extinguished any compulsion to provide those services then the First Defendant and Buchanan were aware of this fact and so when Buchanan made his threat to bankrupt me all he needed to do was to again renege on the thieves bargain and leave the Defendants with no option other than to use their own money or defraud my family and I as they did. With the same gusto as with Tylden Rd I might add.
- jj) Now to put the Newton allegory in context.
- i) Prior to my discovery in August 2000 my then contemporary pre-conceptions in relation to Tylden Rd were based upon a reasonable acceptance of the things said by the First Defendant under oath and of the documents exhibited in the Magistrates and Supreme and County Courts which at that time appeared to include poorly photocopied documents. This pre-conception was at that time bolstered by the false admissions of both Defendants in the County Court and

²⁸ Refer pages 20 to 23 Book of Pleadings, SME 1 Volume 2 Tab 43.