

1A. Affidavit (r. 23A)

District Court of Western Australia Held at Bunbury <sup>1A</sup>		Appeal No / Action No: 1 of 2017 <b>AFFIDAVIT</b> <sup>1</sup>
Parties	Andrew Laughton	*Appellant/Plaintiff
	Sharyl Marsh and James Marsh	*Respondent/Defendant
*delete inapplicable and/or add full party details		
Person making affidavit	Andrew Laughton	
Date of filing		
Date made	2/6/17	
Purpose <sup>2</sup>	Affidavit to support security of costs application..	
Filed by	Andrew Laughton. Claimant.	
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**FILED**  
8 JUN 2017  
REGISTRY OFFICE  
DISTRICT COURT  
BUNBURY

I, Andrew Laughton, of 11b Keble Heights, Bunbury, Electrician, [affirm in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005] as follows —



Burton J. Hathcock JP

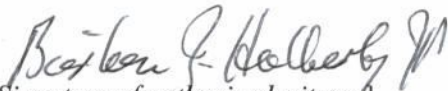
Notes to Form 1A —

- 1A. If not held at Perth, state the location of the relevant registry.
1. The affidavit must comply with the RSC Order 37.
2. Example: To support summons by plaintiff dated 1 May 2010 for summary judgment.
3. The index must comply with the RSC Order 37 rule 2(7). Form 1A contains in italics an example of an index.
4. Page 1 must be on a separate sheet of paper from the above.
5. The *Oaths, Affidavits and Statutory Declarations Act 2005* Part 3 sets out the requirements for affidavits and who are authorised witnesses for affidavits.

- 1 The following options for costs security have been made to the defence;
  - 1.1 Use land at 98 Proper Bay road as security.
  - 1.2 Use a house and land at 11b Keble Heights as security.
  - 1.3 Delay until I have managed to save enough to pay security to the court.
  - 1.4 For the defence to make an agreeable offer to settle the case.
- 2 As it is the defence that that is demanding security, the above options are available on the condition that the defence unconditionally pay for all costs associated with obtaining that security, and for doing any relevant paperwork.
- 3 As of 29 May 2017, the defence considers these options "impractical and unsatisfactory", and requested that I pay into court the sum of \$13,767.
- 4 I consider this request "impractical and unsatisfactory" as it will make it very hard for me to obtain justice or fairness.
  - 4.1 It will make it a lot harder for me to pay for a lawyer.
  - 4.2 It will also cause delays in repairing the damage that has been caused.
  - 4.3 Delays in repairing this damage may mean the existing building permit expires, and additional costs will be incurred to extend the existing building permit and / or to get a new building permit.
  - 4.4 Delays in repairing this damage also delay my ability to sell my house.
  - 4.5 Delays in selling my house is costing me over \$1,700 per month in mortgage payments.
  - 4.6 Delays in selling my house are stopping me from living and working in Port Lincoln.



[Signature of person making the affidavit]



[Signature of authorised witness]

Authorised witness

[Name of authorised witness]

Barton James Hatherly  
Justice of the Peace  
WA 1682

**[Qualification of authorised witness]** <sup>5</sup>