

IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 238 OF 2018  
OF THE REPUBLIC OF VANUATU

.....  
(Civil Jurisdiction)

**BETWEEN: EVELYN HOPKINS**

*Applicant*

**AND: COLTON VARIAN**

*1<sup>st</sup> Defendant*

**AND: ALBERT SAEN**

*2<sup>nd</sup> Defendant*

**CORAM:** *Justice Raymond Siplaq  
Justice James Edward  
Justice Keith Hopkins*

**DOH:** *22<sup>nd</sup> October 2020*  
**DOJ:** *22<sup>nd</sup> October 2020*

**CASE:** APPLICATION FOR DEBT SETTLEMENT

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**DEFAULT JUDGEMENT**

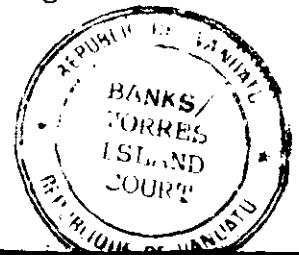
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Issue:

- o Whether or not the Defendants has an outstanding debt with the Claimant?

Introduction

17. This is an Application for the settlement of outstanding debt [Loan] brought before this court by the claimant, Evelyn Hopkins, against the defendants, Colton Varian and Albert Saen.



18. The claimant claims that the defendant has an outstanding debt of 30,000 Vatu + 10,000 interest.

19. The money was lent to the defendant on 7<sup>th</sup> December 2013.

20. Several attempts were made for the defendant to settle the debt, with no success, therefore the claimant pursues the matter before this Court to order the defendant to settle the outstanding debt.

### **Application**

21. The claimant claims an amount of 30,000 VT as the outstanding Debt plus 10,000 Vatu interest plus 1,000 Vatu as the Court fee.

### **Appearance**

22. Both defendant are not present in court.

### **Submission**

23. The Claimant submit in accordance to his statement.

24. No appearance and no submission from the defense side.

### **Court Findings**

The Court finds out that:

25. The claimant is present in court.

26. However, the defendant on the other hand is not, despite being served with a summons to attend court, pursuant to Rule 2 [9] of the Island Courts – [Civil Procedure] Rules.

27. With the non-appearance of the defendant, the court determined the claim in his absence and gave Judgment in favor of the claimant, pursuant to Rule 4[2] of the Island Courts – [Civil Procedure] Rules, [Non- Appearance of Defendant] states;

*"If a defendant does not appear at the time for the hearing of the claim, the court shall, provided it is satisfied that the statement of claim has been served on the defendant and that there is no good reason for the defendant's non-attendance:*

*(d) Determined in the absence of the defendant the claim of the claimant"*



28. After considering the Claimants summary facts, the court made the following Orders:

**COURT ORDER**

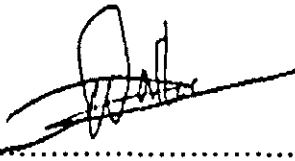
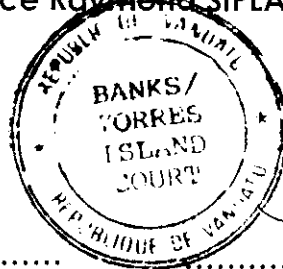
1. Both defendants Colton Varian and Albert Saen are ordered to settle the outstanding debt of 41,000 VT, to the claimant.
2. Payments should be completed within 6 months, which is before 22<sup>nd</sup> April 2021.
3. Payments must be made directly to the Court Clerk at the Sola Court House or to the claimant and produce receipt to the clerk for record purpose.
4. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

**Dated at SOLA, this 22<sup>nd</sup> October 2020**

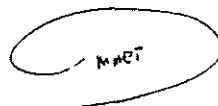
**BY THE COURT**



Justice Raymond SIPLAQ



Justice James EDWARD



Justice Keith HOPKINS