

IN THE DISTRICT COURT OF NEW ZEALAND

NORTH SHORE

CIV-2018-044-1629

UNDER THE Property Law Act (2007)

IN THE MATTER OF: Breach of [Lease] Contract;

BETWEEN: **DENNIS ARTHUR SMITH**, Beneficiary, of
Taumarunui,
Plaintiff

AND: **IAN JAMES PLOWMAN** Nurseryman,
Cockle Bay, Auckland,
First Defendant

AND: **NIKAU GROVE NURSERY LIMITED** a duly
incorporated company having its registered office at
35 Advane Rd, Cockle Bay, 2014, New Zealand and
carrying on business as a Nursery at 51 Smith Road,
Kumeu,
Second Defendant

AND: **HELEN IRENE MITCHELL** Retired, of 53 Smith Road,
Kumeu, Auckland,
Third Defendant

AND: **SEA CONTAINERS NZ LIMITED** a duly incorporated
company having its registered office at 36 Newton
Street, Mount Maunganui, 3116, New Zealand and
carrying on business selling & hiring containers,
Fourth Defendant

**STATEMENT OF DEFENCE TO APPLICATION FOR STRIKE-
OUT FROM FIRST, SECOND & THIRD DEFENDANTS**

Dated: 26 August 2019

Filed by: Dennis Arthur Smith, Plaintiff.

Address for Service: dennis@dennis.nz

P O Box 2, Taumarunui, 3946 NZ

May it please the court:

- 1 The Defendant says of the Applicant's Application :
- 2 THAT he **denies** Clause 2 (i);
- 3 THAT he **denies** Clause 2 (ii);
- 4 THAT he **denies** Clause 2 (iii);
- 5 THAT he **denies** Clause 2 (iv);
- 6 THAT he **denies** Clause 2 (v);
- 7 THAT he **denies** Clause 2 (vi) and puts the Applicants to the proof;
- 8 THAT he **denies** Clause 2 (vii) and puts the Applicants to the proof;
- 9 THAT he **denies** Clause 2 (viii) and puts the Applicants to the proof;
- 10 The Defendant objects to the award of any costs.



.....
Signature of Dennis Arthur Smith
Plaintiff