

**Southern Cross Building Society v Separovich 4/10/02, Master Lang, HC Auckland
CP16-IM01**

Successful application for summary judgment - defendant guaranteed mortgage from plaintiff to HVA Ltd - proceedings issued under Property Law Act - mortgagee sale of property for \$550,000 - defendant's partner claimed that payments of principal made after notice issued not credited - alleged intended sale of property fell through because of delays in obtaining plaintiff's consent.

Held, plaintiff not responsible for sale not proceeding - entirely due to default by purchasers - plaintiff dealt with request promptly - all payments had been taken into account in calculating amount currently outstanding - judgment for plaintiff