

26 MAY 2023



## SUMMONS SEEKING LEAVE TO APPEAL

### COURT DETAILS

Court Supreme Court of New South Wales, Court of Appeal  
Registry Sydney  
Case number 2023/387563 2023/168597

### TITLE OF PROCEEDINGS

Appellant Horizon Hotels Pty Ltd (ACN 120 226 271)  
First Respondent Australian Secured & Managed Mortgages Pty Ltd  
(ACN 112 603 219)  
Second Respondent Craig Stephen Highmore

### PROCEEDINGS IN THE COURT BELOW

Title below Australian Secured & Managed Mortgages Pty Ltd v  
Horizon Hotels Pty Ltd  
Court below Supreme Court of New South Wales (Equity Division)  
Case number below 2021/369459  
Dates of hearing 14 and 15 July 2022  
Material date 6 December 2022  
Decision of Henry J

### FILING DETAILS

Filed for Horizon Hotels Pty Ltd, Appellant  
Filed in relation to Whole decision below  
Legal representative Dominic Green – Green & Associates Solicitors  
Legal representative reference [REDACTED]  
Contact name and telephone Dominic Green – ([REDACTED])  
Contact email [REDACTED]

### HEARING DETAILS

This summons seeking leave to appeal is listed for directions on 19 June 2023. 03/7/2023

### DETAILS OF APPLICATION FOR LEAVE TO APPEAL

- 1 This application for leave to appeal is brought under ss 101(2) (e) and (m) of the *Supreme Court Act 1970* (NSW).
- 2 In the alternative, this application for leave to appeal is brought under s 101(2) (e), (m) and (r) of the *Supreme Court Act 1970* (NSW).

- 3 The Applicant has filed and served a notice of appeal, which was served on the Respondents on 7 March 2023 following the service of a notice of intention to appeal on 22 December 2022.
- 4 This application for leave to appeal is brought further to orders of the Court made by consent on .

#### ORDERS SOUGHT

- 1 Leave to appeal from the whole of the decision below.
- 2 Costs
- 3 Such further and other order as the Court deems fit.

#### SIGNATURE OF LEGAL REPRESENTATIVE

This summons seeking leave to appeal does not require a certificate under clause 4 of Schedule 2 to the Legal Profession Uniform Law Application Act 2014.

I have advised the applicant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on record

Date of signature

17 May 2023

#### NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence.

Before you can appear before the court, you must file at the court an appearance in the approved form.

#### HOW TO RESPOND

Please read this summons seeking leave to appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons seeking leave to appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the summons seeking leave to appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

A party opposing an application for leave to appeal must file and serve a response (see UCPR 51.13) within 28 days after the filing of this summons and the accompanying White Folder. If you do not file and serve a response, the summons may be disposed of in your absence and without further notice to you.

#### REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

#### PARTY DETAILS

A list of parties must be filed and served with this summons seeking leave to appeal.

## FURTHER DETAILS ABOUT APPLICANT

### Applicant

Name Horizon Hotels Pty Ltd (ACN 120 226 271)

Address



### Legal representative for applicant

Name Dominic Green

Practising certificate number



Firm Green & Associates Solicitors

Contact solicitor Dominic Green

Address The Elan

4/1A Kings Cross Road  
Darlinghurst NSW 2010

DX address

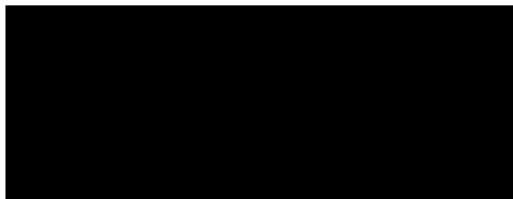
N/A

Telephone

Fax

Email

Electronic service address



## DETAILS ABOUT PROSPECTIVE RESPONDENTS

### First Prospective Respondent

Name Australian Secured & Managed Mortgages Pty Ltd (ACN 112 603 219)

c/o- Bransgroves Lawyers

Address Level 57 MLC Centre  
19 Martin Place  
Sydney NSW 2000

**Second Prospective Respondent**

Name	Craig Stephen Highmore		
	c/o- Bransgroves Lawyers		
Address	Level 57	MLC Centre	
	19	Martin	Place
	Sydney	NSW	2000