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| Form 35A | WESTERN AUSTRALIA  *Mining Act 1978*  (r. 140) | |
|  | **APPLICATION FOR FORFEITURE UNDER SECTION 96(1)(b) OR 98**  No.  Before the Warden at | |
| (a) Name and address of applicant | **Applicant for forfeiture**  (a) | |
|  | V | |
| (b) Name and address of tenement holder (for service) | **Respondent**  (b) | |
| (c) Mining tenement number | The Applicant claims that the Respondent has failed to comply with the expenditure conditions in relation to  (c) | |
| (d) Relevant year | for the year ending —  (d)  and applies for the mining tenement to be forfeited. | |
|  | DATED this ................ day of ............................ 20........ | |
| (e) Signature of applicant/lawyer/ authorised representative (See Notes 1 and 1A) | | (e) ................................................................................................. | |
| (f) Address for service of applicant/lawyer | | (f) ..................................................................................................  .................................................................................................. | |
|  | | Tel .............................................. | Fax .......................................... |
| Email .......................................... | Ref (if any) ............................. |
|  | | OFFICIAL USE | |
|  | | **SUMMONS TO RESPONDENT**  YOU ARE HEREBY REQUIRED TO ATTEND A MENTION HEARING (see Note 2) before the Warden at ................................ at ................... a.m./p.m. on the .............. day of ................ 20........ to answer the application for forfeiture as outlined above. | |
|  | | **TAKE NOTICE** that if you intend to dispute the applicant’s claim YOUR RESPONSE in the form of **FORM 36** must be filed **within 14 days** of being served with this application (see Note 3). | |
| STAMP OF MINING REGISTRAR | | Received at ............... a.m./p.m. on the ...................... day of ................................ 20........ with the prescribed application fee.  .......................................................................................................  Mining Registrar | |

NOTES: 1. If this form is signed by a person who is an employee of the applicant, the person must state the person’s full name and the position in which the person is employed.

1A. If this form is signed by an agent of the applicant, the agent must state the agent’s full name.

2. A “mention hearing” is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by lawyer or agent on the nominated mention hearing date must make a written application not less than 7 days before the hearing. Costs may be awarded against a party for non‑attendance.

3. If at a mention hearing a date for the hearing and determination of the application for forfeiture is fixed, you may apply for the issue of a witness summons to compel the attendance of any witnesses and/or production of relevant documents.