

Our Ref: JD/cd/ S1358-001-1
Your Ref: RSW/EH/BAR223.1.2

03 April 2007

Gilbert Stephens
Solicitors
DX: 8338 Exeter

Dear Sirs

Re: Ian Sheppard – The Estate of Graham Sheppard Deceased

We are still thinking through with our client the ramifications of the admission made by your client's Counsel at the hearing on the 15th March, that the "Will" dated the 2nd August 2005 had not been properly executed in accordance with the Wills Act 1837. That has, of course, always been our client's case and, on reviewing the correspondence, we note that the point has never been directly addressed by your client, or by your selves on behalf of your client. Your client had ample opportunity to instruct you to write to our predecessors, in order to put the record straight, but instead she chose not to do so and even refused our invitation to agree an adjournment of the 15th March hearing. Further, you even wrote to us on the 12th march 2007, suggesting directions for the further prosecution of our client's claim under the 1975 Act.

It does seem to us that whatever steps our client now chooses to take, our client must be entitled to look to your client for his costs of the Inheritance Act proceedings, on an indemnity basis and, in addition, to look to your client for an indemnity against any claim for costs by the other parties. For the purposes of the Act, time runs from the date of the grant, but implicit in this is that the grant is lawful. By reason of the time limit, our client issued proceedings and was then forced to serve them, but would not have done had he known the true position.

May we please have a copy of the Oath sworn by your client in support of her application for the grant.

The witnesses for the 2005 Will are the same as for the 2004 Will, namely, your client's parents. Although you have provided affidavits of due execution, there must now be considerable doubt as to the circumstances in which the 2004 Will was executed. We have considered the affidavit of Margaret Ann Bacon dated 7th March 2007 and we note from this that, not only is she unable to identify the date, but she was not even in the same room as the deceased, your client and your client's parents. On closer examination, the affidavit of Margaret Bacon is of little assistance to your client.

You have provided us with a copy of what purports to be your client's itemised telephone bill for the period 7th October 2004 to the 12th October 2004. This has been adduced as

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corroborative evidence of your client's, and the deceased's whereabouts on the 12th October 2004. This is instructive. We note that a telephone call was made at 14.20 to your client's parents. However, our client was with his late father at 3.00p.m. the same day, when he went to visit his father who was staying with his brother at Walton on Thames. The deceased could not possibly have travelled from Teignmouth to Walton on Thames in 40 minutes.

With regard to diary entries, these could have been made at any time and, are, in any event, self-serving.

The Abbey credit card statement tends to corroborate our client's evidence that he saw the deceased in Walton on Thames on the 12th October 2004. Given that it is our client's case that your client travelled up separately, the payment for petrol at Telegraph Hill Service Station does not assist your client.

In our letter dated 2nd March 2007, we asked if your client would provide some further information. We repeat the request for copies of the deceased's bank and credit statements for the month of October 2004 and our client also requires a copy of the telephone bill for the same month for the property at Inkpen.

Finally, in the same letter, we invited your client to give an undertaking with regard to Hunters Way and we now renew that invitation. If your client is not prepared to provide a suitable undertaking, we shall have to take steps to protect our client's interest by registering an appropriate restriction/notice against the title to the property.

We look forward to hearing from you.

Yours faithfully

Horsey Lightly Fynn

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