

IN THE HIGH COURT OF JUSTICE

HC06C03585

BETWEEN

IAN ROBERT SHEPPARD

Claimant

and

MARGARET JANE SHEPPARD

RICHARD JAMES SHEPPARD

CENTRE FOR ALTERNATIVE TECHNOLOGY

Defendants

WITNESS STATEMENT OF THE CLAIMANT

I, Ian Robert Sheppard of 42B Queens Road, Wimbledon SW19 8LR, will say as follows:-

1. On 15th March 2007, Master Bowles ordered that this claim, which is under the Inheritance (Provision for Family and Defendants) Act 1975, be stayed to allow the Claimant to further investigate the validity of the Will of 12th October 2004.
2. The Claimant has established to his satisfaction that the said Will was in fact invalid, and thus issued a Probate Claim (Number HC07CO1317) on 21 May 2007. He assumed that the present claim would be stayed automatically and that the present hearing would be postponed, and stated this in his covering letter to the Court. The Court has confirmed that the Claimant has four months in which to serve the claim.
3. The Claimant did not serve the claim for two reasons: (a) He has LPC final exams during June 2007 and is busy revising for them, so does not want the distraction; and (b) the Claimant believes that a further period of investigation is required as some lines of enquiry have still not been concluded.
4. It is the Claimant's clear recollection that on the 12th October 2004 he was meeting with his father in Walton-on-Thames, London only half an hour after that Will was purportedly executed (according to the Defendant) in Teignmouth, Devon, approximately 200 miles away.
5. The Claimant's estranged wife, Nicola Sheppard, can corroborate the Claimant's recollection of his father's movements around that time, and in particular that the Claimant did in fact see his father that afternoon.
6. The Claimant also has various other evidence which has not been disclosed to the First Defendant yet. It is the Claimant's view that the First Defendant has chosen to fabricate events of 11-12th October 2004, altering the truth in order to place the Deceased with her, where in fact he left Teignmouth independently the day before her.

7. It is also the Claimant's view that the affidavits of due execution of the very elderly parents of the First Defendant are based on false statements, and that the Witness Statement of Margaret Bacon is so vague as to be worthless.

8. In addition, the First Defendant's elderly parents were also the witnesses to the Will of 2 August 2005, which the First Defendant has admitted is invalid. The First Defendant also admits in her Witness Statement that she was not aware of the strict requirements of s9 of the Wills Act 1837 (as amended). It thus follows that she was not aware of the requirements at the time of the earlier Will, in October 2004.

9. In respect of the Will of 2 August 2005, shortly after the death of my father (the Deceased) the First Defendant showed the Claimant and his brother (Richard Sheppard) poor copies of both the 2005 and 2004 Wills, copies which have now been supplied to the Court. She said that the 2005 Will was invalid. In the conversation she implied that the 2004 Will was valid, but was very awkward about it, and then said that there was an earlier Will from 2002 which was definitely valid.

10. At the time, the Claimant was not aware that Wills before marriage (and not in contemplation thereof) were void (the First Defendant and the Deceased were married on 3 April 2004). The Claimant is not aware whether the First Defendant was aware of this. The First Defendant said at the time that her brother, Chris Barling (the other named executor in the 2005 and 2004 Wills) was very angry when he found out that the 2005 Will had not been executed properly.

11. The First Defendant said that she was going to put the last Will through anyway and said that under earlier Wills the Claimant and his brother Richard stood to receive far lesser legacies. Since that time the First Defendant and her brother, Chris Barling, have used this fact as a deterrent to any challenge to the Wills.

12. The Claimant is still investigating the events of October 2004 and gathering evidence. The First Defendant has been very slow to supply documents requested and has supplied incomplete copies at times which have only served to frustrate and slow down the Claimant's investigations.

13. The Claimant's case is that the Deceased had already written and signed his Will in early October 2004. The circumstances surrounding the Will of August 2005 go to illustrate that he was not averse to doing this. However on that occasion he did date the Will, 2 August 2005, and the Witnesses then signed in his absence on the evening of the 23 August 2005, the evening before my father (the Deceased) died.

14. The Claimant then asserts that it was the First Defendant, who on the 12th October, having finally received their tickets from British Airways for their Rome trip, left Teignmouth to join the Deceased in Walton-upon-Thames. Just before leaving she got her parents to sign the Will, and the Deceased then signed and dated it when the First Defendant reached Walton. A handwriting analyst has confirmed that the date was probably written by the Deceased, but it was very limited evidence, suggesting that the writing was rushed and thus supporting the assertion that it was not written at the same time as the Will was signed. CR3

15. The Claimant hopes to be in a position to request orders from the court to obtain certain other evidence, some of which may be disclosed by the First Defendant during standard disclosure. This includes phone records for the late Edward Norrington, at whose house in Walton-on-Thames the Claimant met his father on 12th October 2004.

16. The Claimant disputes the First Defendant's assertion that she was the only one to receive less under the 2005 Will. In fact, she had persuaded the Deceased, who was very ill, to leave the property known as "Inkpen", which constitutes the bulk of the estate, to her "as long as she wanted it" before handing it on to charity (The Centre For Alternative Technology, which is a Defendant in the present claim).

17. Thus the ultimate gift to the charity failed. The First Defendant then made it clear to the Claimant, in May 2006, that she intended to keep the property at Inkpen (referred to at section 10 of the First Defendant's witness statement), and was in discussions with the charity to pay them off, although she was satisfied that she was under no obligation to do so.

18. The Will of 12 October 2004 is worded differently but the effect would seem to be more likely to be an effective gift to the charity, after ten years. And in an intestacy the property would ultimately go to the Claimant and his brother, subject to inheritance tax. The Claimant believes that he has established that there is an intestacy and that he was deceived by the Claimant. He believes that this was a deliberate act of concealment.

19. It was the Claimant's unease with the First Defendant's decision (since reversed, although she has refused to make an undertaking to this effect) to keep the said property which led him to enquire into the date of the 2004 Will. It was then that the Claimant realised that the 2004 Will could not be valid, the Claimant and his estranged wife (Nicola Sheppard) immediately remembering that the First Defendant had forgotten Nicola Sheppard's birthday card (for 18th October) before the First Defendant left Teignmouth.

20. The Claimant and Nicola Sheppard had a conversation with the Deceased on 21st October 2004, when he visited them alone having returned early from a holiday to Rome (the First Defendant having remained longer with her friend there). That conversation revolved around the fact that the Deceased had left Teignmouth ahead of the First Defendant, and the Deceased said he had "left it on the kitchen table". The Deceased was clearly embarrassed by Nicola not receiving a birthday card, and was clearly angry with the First Defendant for failing to post it or bring it with her before she left.

21. After further investigations, the Claimant recalled his visit to see the Deceased on 12th October 2004, as discussed previously, and various other details some of which can now be corroborated by independent means.

22. The Claimant would like to point out that the present Witness Statement of the First Defendant relating to the validity of the Wills was only received by the Claimant on Saturday 2nd June and he was unable to view it until Sunday 3rd June. He has thus been unable to lodge a reply with the Court or the co-defendants in the present claim ahead of the hearing on Monday 4th June.

23. It is the Claimants view that the present proceedings should be stayed pending the outcome of the Claim relating to the validity of the Wills.

I believe the facts in this Witness Statement are true.

Signed

Janey Styrud

Dated

3 June 2007
