

Claimant
Ian Robert Sheppard
First
16th April 2008
Exhibits "IRS1" – "IRS32"

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

IN THE MATTER OF GRAHAM SHEPPARD (DECEASED)

BETWEEN

IAN ROBERT SHEPPARD

CHANCERY DIVISION
RECEIVED
22 APR 2008

Claimant

and

(1) MARGARET JANE SHEPPARD
(2) RICHARD JAMES SHEPPARD
(3) CENTRE FOR ALTERNATIVE TECHNOLOGY
Defendants

WITNESS STATEMENT OF IAN ROBERT SHEPPARD

I, IAN ROBERT SHEPPARD, of 42B Queens Road, Wimbledon, London SW19 8LR, will say as follows:

1. I issued these proceedings on 21st June 2007 in the estate of my father, Graham Sheppard deceased ("the Deceased") in the sure knowledge that there was no valid testamentary instrument by which the estate of the Deceased could be administered.
2. It is my belief that the First Defendant has sought to cover up this intestacy through the fabrication of a diary and by her lawyers creating artificial and untrue affidavits of due execution on behalf of the very elderly parents of the First Defendant. They signed as 'witnesses' to both later Wills, that is one dated 2 August 2005 and an earlier one dated 12 October 2004. They have also created an unconvincing affidavit from an elderly friend of the said parents who purports to have been in the vicinity of the Deceased at the time.
3. In order to see how this cover-up has developed it is necessary to trace some of the key events and communications from the time that I realised that I had been misled by the First Defendant shortly after my father died (which was on 24 August 2005) and the present time. It is my contention that in the interests of justice, the alleged Settlement cannot stand and that Directions should be given by the Court for the case to proceed to trial.

4. By September 2006 I had become very suspicious of the behaviour of the First Defendant and her brother Chris Barling, the other executor. The way they had treated me following my father's death, and the things they had said, had prompted me to initiate an Inheritance Act claim within the time limit.
5. The First Defendant had admitted that my father's last Will was invalid shortly after his death but insisted that there was an earlier Will that was valid and left me far less. At the time I was too upset to question what she was doing as executrix, but later I suspected that there had been an intestacy, given their strange and secretive behaviour towards me.
6. On 23 September 2006 I met with my estranged wife, Nicola Sheppard, to see if there was anything about the date of the earlier Will that would suggest that it was also invalid. Nicola has always had an excellent memory. Nicola's 31st birthday was on 18th October and she recalled that my father forgot to send her a birthday card. We both recalled a meeting in the days after her birthday where the Deceased said that he had left Teignmouth ahead of the First Defendant, before a trip to Rome, leaving the birthday card on the kitchen table. He appeared cross that Margaret had subsequently forgotten to post the card. We both recall discussing it again after my father had left.
7. From that point onwards there was no doubt at all in my mind that the 2004 Will could not have been validly executed. I thus sent an e-mail to the First Defendant and her brother Chris (Exhibit "IRS1").
8. The First Defendant had decided to consult with lawyers ("IRS2") and this led to a response from the First Defendant where she was clearly intending to lie about the intestacy ("IRS3"). By 10th October 2006 the First Defendant had decided that she would create a version of events where my father was with her on 12 October 2004 ("IRS4").
9. As I knew that the First Defendant was lying about the 2004 Will, I sent another e-mail ("IRS5") advising that they follow the law.
10. In her e-mail of 10 October 2004 the First Defendant had mentioned a diary. However she failed to respond for requests that she complete her 'story' about what supposedly happened on 12 October 2004 (see Exhibit "IRS6"). These details weren't completed until several months later.
11. Because I knew there was an intestacy and that they had covered it up at my expense, I informed the police in January 2007. They ultimately decided that it was a matter for the civil courts as things stood ("IRS7"). I did not want to get the First Defendant and her family in trouble, but mainly wanted to ensure that I had done something which would show that I was sure even then that the First Defendant was trying to create an inaccurate version of events.
12. Ahead of a hearing relating to the Inheritance Act claim on 15 March 2007, the First Defendant revealed a page from a 'diary' and affidavits of due execution from her parents relating to the 2004 Will. Then at the hearing, counsel for the First Defendant conceded for the first time that the 2005 Will was in fact invalid as I had been claiming (see Exhibit "IRS8"). Counsel also stated that the First Defendant took

the 2005 Will to Torbay Hospital for the Deceased to sign before taking it to her parents to 'witness'. This was not true. The First Defendant told my brother Richard and I that she had taken the Will to her parents when my father was unconscious in hospital (see Exhibit "IRS6"). It is clear from that Will that he is far more likely to have signed it at the time of writing, on 2 August 2005.

13. In relation to the 2004 Will, the First Defendant produced a diary which purports to show that the Deceased was with her on 12 October 2004 ("IRS9"). However medical records for the Deceased ("IRS10") show that the Deceased was wearing a patch for driving, and that he suffered from double vision. It is my recollection that the First Defendant refused to be driven by the Deceased at that time, yet the diary has her sleeping for half an hour while the Deceased drove up the A303. In fact, the Deceased was on a cocktail of drugs, as confirmed by a detailed examination of his medical records by the Claimant at Torbay Hospital on 27 November 2007.

14. These records (see notes at Exhibit "IRS11") showed that the Deceased was at the relevant time taking seven different drugs with side-effects including somnolence (drowsiness), nausea, dizziness, headaches, and blurred vision.

15. Having pieced together the events surrounding 12 October 2004, in early 2007 I recalled that I had met with my father at my Uncle Norrie's house in Walton-on-Thames on 12 October 2004. Once I discovered that 13 October 2004 was the day I visited the Terminal 5 site at Heathrow Airport, with The Aviation Club, I remembered offering the Deceased a lift to the airport on the previous afternoon – and all my detailed recollection was able to flow from that. Nicola Sheppard remembered the events of that day also, as she remembered me wanting to borrow our only car, and I have other corroborative evidence. However, expecting it to compete against the fabricated evidence of the First Defendant is unjust.

16. Having at first assumed that the Deceased left Teignmouth alone on 11 October 2004 by car, it became apparent during 2007 that he must have travelled by train. I believe that he paid for this journey using a Lloyds TSB cheque, the existence of which was concealed by the First Defendant for over a year (see "IRS12"). I discovered the existence of the account in October 2007 and started to request the statement from the First Defendant.

17. As outlined in my Application to the Court of 6 March 2008, there was then a considerable delay in the First Defendant disclosing the statement. It was finally disclosed just over a week before the hearing date of 13th December 2008 ("IRS13"). In stating that: "You will see that there are no significant entries during that period", the solicitor for the First Defendant must have known that the cheque entry was in reality of very high significance. I asked Lloyds TSB for a copy of the cheque, which was sent to the Wimbledon branch. However, they were unable to reveal any details for confidentiality reasons, as it had been a joint account with the First Defendant.

18. My then solicitor, Stan Baring, then requested that the First Defendant give permission for disclosure of this information, but she would only reiterate her own assertion as to the payee. My solicitor made it clear that this was unacceptable and phoned the First Defendant's solicitors the night before the hearing, again requesting permission. This time there was no response to the request.

19. At the Court on 13th December there was immense pressure to settle. My lawyers took the view that the diary presented by the First Defendant posed a serious risk, should the Master take the view that it was genuine.
20. Terms of settlement were drawn up frantically by the lawyers. However, some matters were left unresolved and it was only afterwards that I was sent a consent to sign to allow the 2005 Will to be revoked, and to allow the 2004 Will to take its place. I immediately balked. I took the view that I could not sign this, because I would be misleading the Court and the Probate Registry. It would in effect be lying. Exhibit "IRS14" shows that my barrister was being very helpful to the First Defendant, but I was not happy with this course of action and had not appreciated what it would involve.
21. On 11 January I made it clear to the Court that I was not happy with the settlement as proposed ("IRS15").
22. My solicitor again requested (on 16 January) that the Lloyds TSB cheque be disclosed so we could have official confirmation of the payee (Exhibit "IRS16").
23. On 28 January I again asked that permission be forthcoming from the First Defendant for the cheque to be disclosed, outlining in detail my reasons and why I believed this to be a very reasonable request (see "IRS17").
24. Also on 28 January, the solicitor for the First Defendant sent another copy of the consent for me to sign and return, saying that it would be "unlikely that the Probate Registrar would revoke the Grant without further hearings..." ("IRS18") I took the view that I wouldn't lie and it would be right for the Probate Registrar to undertake any investigations he thought fit. Given what I know, it is important to me that the 'witnesses' and 'executors' are interviewed. It is interesting to note that a few weeks later I asked the First Defendant's solicitor if there was an alternative to my consent and he said no. This I suspect was because the First Defendant prefers to try to persuade the Court to sign the consent on my behalf, as her solicitor threatened, rather than take the risk of the truth coming out.
25. In a letter of the 30th January the solicitor for the First Defendant gave me the impression that if I renounced the supposed settlement, then disclosure of the cheque would be possible (see "IRS19"). There was also much bullying and further misinterpretation of the facts of the case in this letter. My reply can be seen at Exhibit "IRS20".
26. In an e-mail to my brother Richard Sheppard on 6 February ("IRS21"), the First Defendant said that "If you don't both sign [the consent]... the settlement will be considered null and void..."
27. On 18 February I made it clear to the Court that I still did not consider that we had reached a settlement, giving my reasons ("IRS22")
28. On 23 February I confirmed with the First Defendant that I did not consider the matter to have been properly settled, that I was under duress due to their falsified

evidence and that I had taken no steps to affirm any settlement ("IRS23"). Again I made a suggestion of a meeting to resolve matters, but this was ignored.

29. On 24 February I sent copies of the three relevant Wills to the Court, explaining in a letter ("IRS24") how the face of these Wills pointed to my version of events being correct, and pointing out that the First Defendant had misled the Court on 15 March 2007 about the true circumstances of the failed execution of the 2005 Will.

30. On 29 February I sent the Court correspondence with a copy of a letter from the Deceased's consultant underlining the fact that the First Defendant could not have got the Deceased to sign a Will on 23 August 2005 ("IRS25"). I believe that my father signed that Will when he wrote it, on 2 August 2005 as dated. I believe that the First Defendant is fully aware of this.

31. On 31 March I wrote to the First Defendant's solicitor outlining recent developments and suggesting a way forward ("IRS26").

32. On 1 April I wrote to the solicitor for the First Defendant ("IRS27") asking if there was a way around my consenting to the 2004 Will replacing the 2005 Will, and again requesting disclosure of the Lloyds TSB cheque.

33. His reply was that he saw no way around my consenting (see "IRS28").

34. On 4 April I confirmed to the Court that being expected to sign a consent replacing the 2005 Will with the 2004 one was not something I had envisaged and that it was unacceptable to me ("IRS29").

35. In a letter of 8 April 2008 I reiterated to the First Defendant why I knew that the 2004 Will was in fact invalid, and reflecting on my early attempts to settle the matter (IRS30"). This letter represents my most comprehensive view on how this matter has unfolded.

36. On 14 April, solicitors for the First Defendant tried again to claim that his client had put forward a considerable amount of corroborative evidence ("IRS31"). The fact is, there is no independent evidence, it is all self-made by the First Defendant and her family, or deliberate misinterpretation of factual evidence. The only time there has been a chance of clear independent evidence, the Lloyds TSB cheque, they have refused to release it.

37. On 16 April I put the record straight on the diary and the cheque ("IRS32"), as the solicitor for the First Defendant was again trying to change history.

I believe that the facts stated in this statement are true.

Signed



Ian Robert Sheppard

Date 17 April 2008