

Claimant
Ian Robert Sheppard
8th August 2008
Exhibits "DIS 1" – "DIS 16"

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

IN THE MATTER OF GRAHAM SHEPPARD (DECEASED)

BETWEEN

IAN ROBERT SHEPPARD

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, say as follows:

Paras 1-10 are presented by way of background:

1. The Claimant has known since 23rd September 2006 that the First Defendant failed to inform him of the fact that the Deceased died intestate.
2. The First Defendant told the Claimant and his brother (Richard Sheppard) two days after the Deceased died on 24th August 2005, that the last Will was invalid but that there was an earlier Will which left them substantially less.
3. By her own admission the First Defendant had persuaded the Deceased to leave her the Claimant's former family home in Berkshire ('Hunters Way', Inkpen) to her for as long as she wanted it. That was the effect of the 2005 Will, which was thus better for her than the 2004 Will.
4. The First Defendant, once she had obtained legal advice, realised that under the Will of 2nd August 2005, the property at Inkpen would be hers absolutely. She told the Claimant in May 2006 that she intended to keep the property as her own, contrary to the wishes of the Deceased that it would pass after a couple of years to the Second Defendant.
5. The Claimant was suspicious by mid-2006 that there had in fact been an intestacy and started to enquire about the earlier Will, dated 12th October 2004.

6. He started to enquire partly because at the meeting after the Deceased died, the First Defendant said that there was a 2002 Will that was "definitely valid" and left the Claimant and his brother "even less". Thus the Claimant reflected that there had been some question over the 2004 Will, the First Defendant not having asserted whether it was valid or not at the time. She merely presented a poor copy.

7. It turned out that the 2002 Will was in fact invalid as it was executed before the marriage of the First Defendant to the Deceased on 3rd April 2004, and was not made in contemplation of marriage.

8. After further investigation, with the First Defendant and her brother and fellow executor (Chris Barling) being very awkward and unhelpful, the Claimant realised in early February 2007 that he had been with his father on the afternoon of 12th October 2004, for around one hour. He kept this from the First Defendant until the First Defendant finally started to complete a version of events she had first asserted in an e-mail of 10th October 2006.

9. In a hearing on 15th March 2007 before Master Bowles counsel for the First Defendant unexpectedly admitted that the 2005 Will was indeed invalid. In the days before the hearing the First Defendant had disclosed affidavits of due execution from her parents for the 2004 Will (referred to later) among other things. Her parents had also been the 'witnesses' to the 2005 Will. Counsel for the First Defendant said at the hearing that the Will was taken to the Deceased in hospital and then to her parents on the night before the Deceased died (23rd August 2005), but once the Claimant presented medical evidence that this was not possible the First Defendant said she merely took the 2005 Will to her parents to have it signed, but did not realise it was invalid. She later informed the Bristol Probate Registry that she was not aware that the Will was not valid when admitting it for probate in March 2007, despite what she had told the Claimant two days after the Deceased died (see above).

10. The Claimant issued contentious probate proceedings in June 2007. The First Defendant made an application for summary judgment, as had been made clear was her plan at the hearing of 15th March 2007.

Duty of Disclosure

11. The First Defendant has failed to comply with the requirements of standard disclosure as required by CPR Part 31 and as Ordered by Master Bowles on 19th June 2008. After her solicitor at Gilbert Stephens (Richard Walford) sent a disclosure statement to the Claimant, the Claimant returned it marked "totally inadequate". This was included in an Application to the Court made on 1st August 2008, for specific disclosure of parts of the 2004 Diary of the First Defendant.

12. An amended disclosure statement was sent to the Claimant on 6th August (DIS 2,3). The Claimant wrote back (DIS 1) saying it was unreasonable for the First Defendant not to search for e-mails, that the 2002 Will was clearly relevant and making it clear again that the onus was on the Claimant, who had failed to sign the disclosure statement.

13. The Claimant has noted that the list provided by the First Defendant's solicitor includes few new items, and nothing before September 2006. The items relied on previously by the First Defendant, which is all she intends to disclose (see DIS 2), are very limited in number.

14. By contrast the Claimant has completed a wide-ranging survey of material created since the beginning of 2004, and complied with standard disclosure in the spirit of the CPR (DIS 5). Despite claims to the contrary, the First Defendant has completely failed in her duty of disclosure.

15. E-mail communication was the main form of communication for the Claimant and the First Defendant in 2004 and since (for example DIS 4, which the First Defendant intends to rely on). The Claimant's disclosure lists include mostly e-mail correspondence (DIS 6) and a clear explanation as to what computers were searched in his disclosure statement.

Affidavits of Due Execution

16. On 27th June 2008 the Claimant wrote (DIS 7) to Gwen Grimshaw, the Commissioner for Oaths shown on the affidavits of due execution disclosed by the First Defendant in March 2007, and both dated 21st February 2007.

17. Miss Grimshaw's reply is also shown at Exhibit DIS 7. She stated clearly that the First Defendant took the documents to her on 21st February 2007 to be witnessed as documents (DIS 8,9). It is clear that this was the lesser of two roles she could play, the greater being to administer oaths. There is no mention of the parents of the First Defendant having been present.

18. Another affidavit, by Margaret Bacon (DIS 10), is not an affidavit of due execution, but is also flawed in not including the name or address of the solicitor before which it was allegedly sworn.

19. Despite Richards Walford of Gilbert Stephens having persuaded Scott Richards to say the affidavits (DIS 8,9) were sworn properly, there has been no word from Gwen Grimshaw. The Claimant has made it clear that neither Miss Grimshaw or Scott Richards can be considered sufficiently independent, as the firm acts for Mr Chris and Mrs Kay Barling (DIS 11) and the senior partner of that firm (Paul Dyson) is a neighbour of both Mr and Mrs Chris Barling and Mr and Mrs Tom Barling (see DIS 12, created from some simple Internet research).

Interference by the First Defendant

20. It is clear to the Claimant that the First Defendant has sought to change history as to the whereabouts of the Deceased on 12th October 2004. Her parents, who are very religious, would have preferred not to swear on the bible and further light is shed on this by the letter from Gwen Grimshaw (at DIS 7).

21. The First Defendant was aware of the true journey the Deceased took on 11-12 October 2004 before the Claimant had pieced it back together, and was thus able to take action in 2006.

22. Her 2004 Diary, subject of the Claimant's application of 1st August 2008, is the main example (DIS 13). However the Claimant also managed to obtain an account from a tool hire firm in Hungerford (near to Inkpen) which showed an entry for the hiring of a sit-on tractor mower on 10th November 2004. The Claimant believes that the account was tampered with in 2006, mainly because he recalls his father cutting the grass and the more likely explanation by far is that the entry should read 11th October 2004. This one piece of evidence alone, if the date were correct, would be enough to show the Deceased was not where the First Defendant claims he was. The tool hire firm owner has failed to supply a paper invoice to the Claimant, and in fact claims it only exists on screen.

23. The First Defendant also reacted immediately to disclosure of the Claimant's grandmother's witness statement in helping to resist summary judgment, by calling Mrs Jean Kirke and then writing her a letter (DIS 14) demanding that she complete a copy of her statement marking on it what she really remembered. The Claimant's grandmother was very shaken by this and as a result of the First Defendant's actions is unlikely to be a worthwhile witness for the Claimant, such was the doubt created in Mrs Kirke's mind by the accusations of the First Defendant. It was hard enough to ask a woman of almost 90 to be involved when the Claimant's mother was not happy with it. However there is no doubt that the Claimant did call his grandmother on 12th October 2004, as documented by mobile records, and relay the meeting with his father that afternoon to her.

24. Despite assurances from the First Defendant's solicitor that the First Defendant would not call the Claimant's mother and grandmother (both who live in the Isle of Man) again, the First Defendant did call again on 28th July 2007 to harass Mrs Kirke (DIS 15).

25. A further witness for the Claimant came to light in mid-2008. Mrs Rita Blaine is the former neighbour of the Deceased in Weybridge, where they lived before moving to Surrey. She recalls seeing the Deceased in Weybridge late one afternoon in late 2004 (DIS 16), and has been trying to place the recollection more accurately. However it has now come to the attention of the Claimant that the First Defendant has been in contact with Mrs Blaine, and that she is unlikely to be willing to be a witness. Mrs Blaine and her husband also recalls being witnesses to a Will of the Deceased pre-dating the 2002 Will, but the First Defendant has claimed that no such Will ever existed.

26. In summary the Claimant believes that the First Defendant has fabricated her case and covered up the truth, and the Claimant also believes that the solicitor of the First Defendant is the architect of the strategy, which was designed to gain a quick win using summary judgment, underpinned by fabricated evidence – a clear abuse of process.

I believe that the facts in this statement are true.

Signed

Ian Robert Sheppard



Date 8th August 2008