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HORSEY LIGHTLY FYNN
SOLICITORS

John Devlin
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Devon House
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Dear John,

Re: 2005 Will

I have received a letter from Dr Patrick Roberts replying to my queries, and in particular relating to the events of 23rd August 2005. I also kept a diary for a short time, starting on the date I separated from my wife (20 July 2005) for the purpose of recording things relevant to my pending divorce. I enclose copies of both of these items.

You will see from my 'diary' that on 23 August Margaret called me after my father had been admitted to Torbay Hospital. She told me that they had gone straight to the hospital having returned from Inkpen, and then Margaret returned to their house in Teignmouth to collect his overnight bag.

Margaret was supposed to call me back soon after as I wanted to set off, and I was rather upset that I did not hear until 10.30, by which time it was too late to leave.

She said in that phone conversation that she had been to her parents' house for dinner. Nicola remembers that too as we discussed it afterwards, and were surprised that she would leave his bedside.

In my 'diary' I do not refer to the discussion about the wills specifically. In fact having filled in an entry for Wednesday 24 August, I did not make another entry until the following Monday, as is made clear. At that point I briefly reflected on our having spent much time with Margaret, planning the funeral, on 25th and 26th August.

It must have been on Friday 26 August that Margaret produced the wills, as Richard had slept for 16 hours overnight after his flight, and I left on the Saturday morning. The copies of the 2004 and 2005 Wills were the ones in red ink, as if done on a copier which was running out of ink. These are the copies I still have.

As you know, Margaret told Richard and me that the Will dated 2 August 2005 was invalid, that she had taken it up to her parents on the evening of 23 August for them to sign, and that her brother Chris was very angry that the Will had not been properly executed and that Margaret wanted to submit it to probate.

At the same time Margaret said that the 2002 Will was "definitely valid". I did not read anything into this at the time – the implication from her producing the 2004 Will was that she was saying it was valid also, and she made it clear that we would receive far less under either of the previous wills.

Of course we did not realise at the time that the 2002 Will would be void as it was before their marriage of 3 April 2004, and was not made in contemplation of that marriage. Curiously, Margaret was still maintaining in June 2006 that the 2002 Will was valid. This is shown in my e-mail to Kirsty at Baker McKenzie on 29 June 2006, which I have enclosed along with some other relevant e-mails.

It is clear from these e-mails, and my recollection of events, that the response of the executors to my challenging the validity of the wills has been to stress that I risk receiving far less under the 2004 or 2002 wills. At no point did they claim that the 2005 Will was valid, and after I had repeated what Margaret told me back to her and Chris on several occasions, it was only when she consulted a lawyer that she stated, on 4 October 2006, that "I do not believe and have never believed that your father died intestate."

Since then (as you know) the 2004 will has come under intense scrutiny following our discovery of the Rome trip, which significantly Margaret did not mention in her original e-mail of 10 October 2006 (enclosed). I am confident that phone records and bank statements will confirm what my father told Nicola and me on 21 October 2004, and demonstrate that he could not have been in Teignmouth on 12 October 2004 as Margaret claims.

I have also enclosed an acknowledgement from Theresa Horsey of her meeting with me on 5 October 2005. This was related to my divorce but I did mention to her about Margaret telling me the Will was invalidly executed, and wonder whether she remembers?

Finally I have enclosed the e-mail I sent to Marc Allen, the estate agent in Hungerford who subsequently did a drive-by valuation of Inkpen. I will try to find out from the Inland Revenue when Margaret called them with her new value. If it was after she became aware of my challenge, I would suggest that it could be construed an abuse of her position as executor.

As I have indicated to you before, I would be keen to apply to become an executor and I would think that the behaviour of Margaret of Chris, and in particular the fact that I cannot communicate with them directly and that Chris seems to have relinquished his role, would count heavily in my favour.

Yours sincerely,

Ian Sheppard