

MHRRWG REPORT FOR FEB 24 COUNCIL MEETING

**Advise to date to the WG
From the Solicitor (name expurgated)**

I understand that Merlin cannot take the investigation on the trust side forward until his terms of business have been signed off and this has to go through your procedures.

As you know, we have come to a halt on my side whilst you were engaging with Merlin. There have been discussions of an adverse possession claim as opposed to a court application which Steve Farnham suggested but never gave his reasonings for.

An adverse possession claim is dependent on very strong evidence of 12 years uninterrupted use being provided to and accepted by the Land Registry. As with any application, no guarantee can be given. Further we need to be careful before submitting the application in case anyone comes forward to object to the application. If there is an objection, then the application can be transferred by the Land Registry to the First Tier Tribunal if a further period for negotiation between the relevant parties fails. Once the matter is with the First Tier Tribunal, then the applicant cannot unilaterally withdraw and is at risk if the Tribunal finds against them as it will award costs as it thinks appropriate which can be against either or both parties.

So in the meantime, my file is on hold although I do need to invoice for the time spent to date and disbursements going back to August last year. The time has just gone over the initial estimate of £1,000 + vat. Plus there are the compliance disbursements and some copy titles we obtained from the Land registry. You paid £1,000 on account. As a gesture of goodwill, I will restrict the costs and disbursements to a vat inclusive figure of £1,000. As and when the matter can proceed again on my side, then I will need a further payment on account.

(Expurgated) from our Support Team will be in contact with you direct with the receipted invoice.

I trust you can make some progress at your end on the trust side to enable us to start working on this again.

Merlin Lewis by phone shortly before he was hospitalised basically said.

To save money WE would have to find the descendant's of the other trustees to see if anything was passed to them, if nothing has been willed, then we would have to find out who was the last one to die.

So finding any descendant means nothing unless we can prove his relation was the last one to die.

Simple isn't it ?

Dave R