

AFFIDAVIT

I, PETER ROBERT MILES of EAST NORTHDOWN HOUSE, Margate, Kent CT9 3TS Make OATH and say as follows:-

I reside at East Northdown House which I purchased in 1982 from a Mr I.J.C. Friend. At the time of the purchase of East Northdown House, I also purchased land adjoining East Northdown House from Mr I.J.C. Friend, which is registered under title No K570230

Adjacent to the land registered K570230 was another parcel of land which was known as "The Orchard". The Orchard is shown and identified on the attached plan and marked PRM 1.

The boundaries to the Orchard consist of a continuous old brick wall to the south separating the land from land in the ownership of Thanet District Council. To the East the boundary consists of a continuous old flint wall separating the land from the roadway accessing East Northdown. To the West the boundary consists of a continuous hedge and fence which separates the land from a Public Park known as Northdown Park, also in the ownership of Thanet District Council.

The remainder of the boundary of the Orchard which does not abut my property separates the Orchard from East Northdown Cottage. This boundary consists of buildings and a chalk wall. The Land within the title to East Northdown Cottage is considerably lower than the Orchard land, and no access has been exercised from East Northdown Cottage for many years. There exists an old doorway which had been blocked and remained unusable since before 1982. To my certain knowledge no access has been made to the Orchard from East Northdown Cottage since prior to 1982 when I purchased East Northdown House.


The Orchard is integral with my property, effectively landlocked and only accessible from my property.

In June of 1983, I took exclusive possession of the Orchard, cleared the land of overgrowth and weeds, and have constructed stable buildings and paddock fences.

Since June of 1983, I have used the Orchard continuously without hindrance as part of my property, for the keeping of horses belonging to myself, members of my family and others.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

Declared at

  
Peter Robert Miles  
Broad Street Margate

this 15th day of October 1999

Before me

Louise Smith  
Solicitor

## AFFIDAVIT

I, PETER ROBERT MILES of EAST NORTHDOWN HOUSE, Margate, Kent CT9 3TS Make OATH and say as follows:-

I reside at East Northdown House, which I purchased together with land adjoining which is registered under title No's K57230/1 in 1983.

Adjacent to the Land registered K570230 is another parcel of land, which is known as "The Orchard". The Orchard which is the subject of this application, is shown and identified on the attached plan outlined in red and marked **PRM 1**.

This land is contained within old walls, except for one side which is fenced and which abuts land known as Northdown Park. There is no means of access to the Orchard other than across the land in my ownership. There was an old doorway, which has been blocked and unusable since before 1982.

In early 1983, I was contacted by Lady Creasey, who offered to sell to me the Orchard for the sum of £4,000.00. I agreed to this purchase and Lady Creasey informed me that Mrs Sheila Stanton would be acting for her and her sisters.

In June of 1983, I received a letter dated 22<sup>nd</sup> June 1983 from Sheila Stanton acting on behalf of herself and her sisters, confirming the sale to me of the Orchard, for the sum of £4,000.00. I took possession at that time and carried out extensive works to the land. I have occupied the land continuously since June 1983.

There is produced and shown a bundle of letters dated 14<sup>th</sup> June 1983, 22<sup>nd</sup> June 1983, and 6<sup>th</sup> April 1984, marked **PRM 2**.

Following the contractual letter of 22<sup>nd</sup> June 1983, and exchange of a subsequent and further contract dated 6<sup>th</sup> April 1984, solicitors acting for the vendors requested full payment of the purchase price in 1985. A payment was made to the solicitors for the Vendors on 25<sup>th</sup> April 1985, for the full amount of £4,000.00.

There is produced and shown a copy of the cheque showing payment to those solicitors in the sum of £4,000.00, marked **PRM 3**.

From June of 1983, I used the land for the keeping of horses. I have constructed fencing, I have laid services and built on the land. Following my making payment of the full purchase price in 1985, I believed that I owned the land.

I rely on the first and second conditions in paragraph 5 of Schedule 6.

There are no current possession proceedings or judgement given for possession against me in the last two years.

I confirm that to the best of my knowledge, the restriction on applications in paragraph 8 of Schedule 6, Land Registration Act 2002, does not apply.

To the best of my knowledge, the land is not, and has not been subject to a trust.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at



Before me

THE CLERK OF THE COURT  
THE COUNTY COURT, SWANSEA  
GPO BOX 10000, SWANSEA SA1 1YH



A Williams

21st April 2005

OFFICER OF THE COURT APPOINTED BY  
THE JUDGE TO TAKE AFFIDAVITS



Swear on the undertaking that County Court Rules  
will be observed.

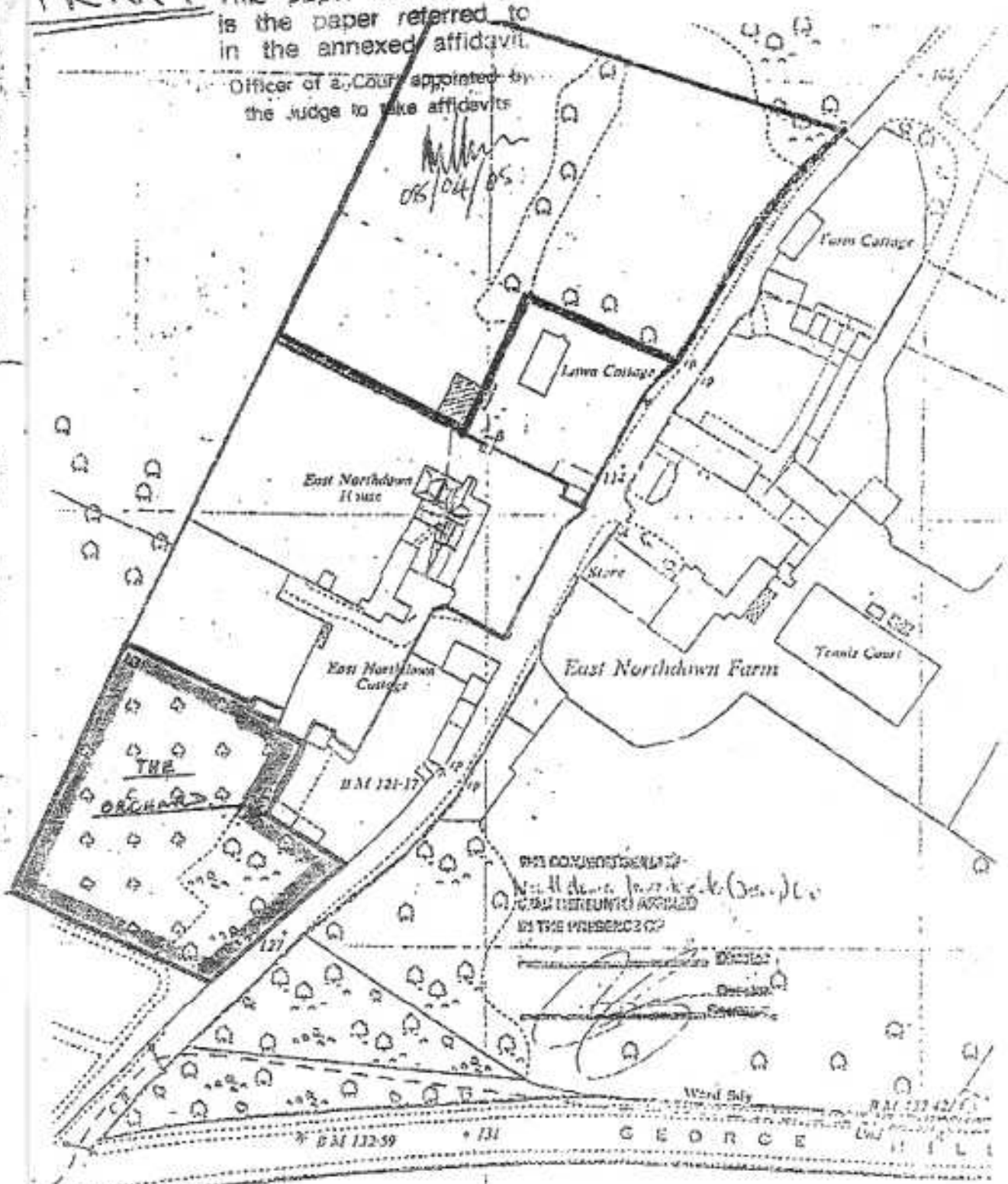


TRM 1

This paper marked "A" is the paper referred to in the annexed affidavit.

Officer of a Court appointed by the Judge to take affidavits

*Handwritten signature*  
05/04/05



WEST CONVENTION  
No. 44 de. p. 22 k. 6 (S. S. C.)  
G. H. HILL (S. S. C.)  
IN THE PRESENCE OF

*Handwritten signature*

Word Sely

BAI 122-59

+ 131

GEORGE HILL

East Northdown House,  
East Northdown,  
Nr. Kingsgate,  
Kent.  
(0845) 62371

Dear Mr Lawrence,

Re: Orchard East Northdown

I was somewhat distressed to hear that the statutory declarations had still not been completed, as I have spent considerable time and finance on this property.

When I last spoke to you, you expected to complete within six weeks, and although, as I understand it, the title will be possessory, I shall be very relieved when this matter is resolved as it has now dragged on for 22 months.

I spoke to Mrs Stanton today who is also very anxious for completion as she has a very seriously ill relation in New Zealand who she wishes to visit needing the Orchard. Money to do this.

I enclose a cheque for the total amount, which I wish for you to hold to my order until completion is in sight. Mrs Stanton made no mention of interest when I spoke to her and even on deposit the interest earned will not be as much as the loan rate which I would incur.

Yours faithfully,

  
P. H. Miles

sent 17th April 1985

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P.R.M. 109

18. 4 1985

**Lloyds Bank** 60-14-05  
19-74 KING STREET MARGATE BRANCH MARGATE KENT CT9 1DP 30-95-45

Pay *Girling's Building Society* or order

*John Thomas* £4,000.00

**PAID**  
26 APR 1985

Lloyds Bank Plc

⑈ 333432⑈ 30⑈9545⑈ 0291509⑈ ⑈00000160000⑈

STAMPED ON REVERSE  
GIRLINGS MARGATE  
CLIENT AC 99693839

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