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9<sup>th</sup> December '10

Your ref. DT/101265

Dear Sir,

Apology Further to my earlier e-mail response to your letter of the 19<sup>th</sup> Nov. ,

Item 1 . I apologise if the meaning of my earlier drafts of letters to the TDC of this year could be misconstrued in the way you suggest.

I had genuine misgivings about whether these councillors had declared their interests in pursuing your clients position in this dispute. I wrote to Cllr Ezekiel in 7<sup>th</sup> April 09 setting out these concerns in full. These matters have also been reported on in full to the Local Authority Ombudsman, who recommended that the matter was referred to the Standards Board, being outside her jurisdiction. I have not done so, allowing time for the matters to be rectified. The councillors have now declared their interests and the necessary apologies have been given to conclude this matter and I believe there is now no appetite by any of the parties (councillors, TDC or myself) to take this matter any further. All the evidence submitted to the LAO in this matter is lodged with the TDC monitoring officer. TDC also hold evidence of Cllr. Wise serving at the coach house scrutiny hearing in 2001, without declaring his interest and of your clients requests to purchase the property as a sitting tenant.

Item 2 & 3

Your client has a long history of making intimidatory allegations against me and others, as touched upon in the correspondence you refer to. These matters are all well known and documented. I set out the nature of your clients dispute with me , and of his intimidation of me in my letter to the TDC chief executive in 2<sup>nd</sup> June 06. Following your client's referral of his complaints against the TDC investigating officers to the LAO, I prepared my own counter complaint, submitted on my behalf by the local member of parliament. All the supporting evidence is lodged on file with the monitoring officer at TDC.

Your client's allegations about planning matters at the farm have been subject to an independent review which was concluded at the same time as the ombudsman's investigations.

Thus far all legal advice I have received has recommended reaching a comprehensive settlement with your client. As this has not proved possible, I have been advised to seek a resolution of the outstanding differences on a step by step basis, as this offers the best way forward to achieving such a final conclusion of the dispute. Accordingly I have not , and have no current intention of, instructing further solicitors in matters of defamation and damages, whilst we are following our current chosen route of seeking a final determination of this matter on a step by step basis.

Road case

I am now also in receipt of your 'without prejudice' letter of the 7<sup>th</sup> December setting out your clients position with regards to the dispute.

As set out in my letter of 2<sup>nd</sup> June 06, The key issue at the centre of this dispute is whether or not the statutory declaration made by my father in October 1982, claiming ownership of the road was truthful, or whether, as you client alleges, fraudulent.

Your client has had every opportunity, over many years, to withdraw this allegation. He has instead chosen to persist in it, and in his rival claims of title to and access over the road, which appear to be re-affirmed in your letter of the 7<sup>th</sup> Dec . The B 193 (AR) notice of objection of the 16<sup>th</sup> February 2009, calls on both parties to seek a settlement prior to any hearing by the ARL. Your client undertook to withdraw his objection if he failed to gain full paper title of the Orchard. We have unsuccessfully made 2 offers of settlement to your client and also made arrangements for the matter to be determined at a mediation hearing, from which your client withdrew.

All your clients supporting evidence to his objections to our first registration claim are now before the A.L.R. In the event that your client does not withdraw his objection , as per his undertaking, It will then be for the ALR, now to determine whether your clients' objections to my FR application have any merit or not.

The ALR will thereafter accordingly determine where the liability for costs for the adjudication process lies. The criteria on which the ALR award costs was clearly explained to both parties in the B193(AR) notice of objection issued on the 16<sup>th</sup> February 2009. I have not withdrawn my FR application because I have not seen any convincing evidence that your client has a better route of title to the road than I. I have accordingly spent a considerable sum of money in bringing this matter before the adjudicator for determination, having had to sell investments at the bottom of the market and raise two mortgages to finance my legal and professional fees in this matter.

The determination will allow a decision to be made as to whether my father had the right to grant various express rights of way to the properties disposed of , or whether , alternatively you client enjoys free and unfettered access to the orchard, paddock and house, by virtue of prescriptive rights.

Your client has placed a caution against the first registration of the road to protect his express rights granted in his transfer. It is not possible for your client to both challenge my father's title to the road – on which these express rights were registered, and to simultaneously enjoy express rights of way over it granted by him.

My position on this is consistent, simple and clear. I wish all existing rights, covenants and obligations provided for in all the various agreements and transfers of the properties forming part of the estate of the late JIHF to be duly entered on the register, and thereafter for these

covenants and obligations to be adhered to. (which includes the covenants and agreements on properties within Northdown Park).

We have already set out the terms on which I would be prepared to grant your client the further easements and rights of access your client has been seeking over the many years of this dispute. It would be premature to hold any further discussion of these matters until a final determination over the title of the road and extent of existing rights has been made.

We would be willing to negotiate the grant of additional easements and rights of access for the further development of your clients property, and the orchard, along the same lines as James Squier has previously negotiated with other developers.

In such cases we actively supported the planning process, and assisted in overcoming potential objections to the developments in question. In the case of the development of the orchard /paddock I would likewise support the laying on of mains drainage in the road (to the north), and would help show that any increase in traffic to the new site could be offset by a corresponding reduction in the historic levels of traffic to the farm and business centre.

I believe my father would also have granted such additional rights and easements over the road in 1986, had your client agreed to pay a fair 'development' value for the orchard land to his sisters and nieces, for whom he was acting as executor at the time. Instead your client refused to pay any additional price over and above the price originally discussed with Shielagh Stanton for use as a horse paddock. Your client tried to coerce my father over the sale of East Northdown Cottage with the threats of his letter of April 1986 that 'the repercussions {of not selling ENC to me} for your son ,William, will be endless.' In your clients subsequent letter to Mr. Redman of the 7<sup>th</sup> August 1986, your client's reasoning for wishing to buy ENC was that 'purchasing East Northdown Cottage would land-lock the orchard and prevent any further complications'

The adjudication will shed light on the validity, or otherwise of each sides' testimony in this dispute to date. The determination of the road ownership will also allow the various agencies and individuals to whom your client has made claims of his own ownership of the road, and the other such allegations to be finally laid to rest.

Once these matters are determined there should be no grounds or need for either side to continue this dispute or to make further representations to third parties on the matter once the true facts are finally established.

Yours truly

William Friend