

Your ref:
Our ref: JWS/TMC
dd: 01223 559224
df: 01223 559119
e: James.squier@bidwells.co.uk
Date: 22 July 2011

BIDWELLS

P R Miles Esq
East Northdown House
Margate
Kent
CT9 3TS

Trumpington Road
Cambridge CB2 9LD
t: 01223 841841
f: 01223 845150
bidwells.co.uk

Dear Mr Miles

Without Prejudice

**W FRIEND
Adjudicator Costs**

Thank you for your letter of 10 July. I reply to your points as follows:-

1 When I first contacted you I did not insist that you should not be legally represented. The agreed notes of our meeting of 30 June 2010 include, in the final paragraph, the agreed action that "PM will inform his legal team". I also refer you to my email of 3 August, which under Item 1 further clarifies this point.

The 30 June meeting was an attempt to seek a negotiated settlement of the various disputed matters, which is also clear from the notes and also the exchange of draft "Heads of Terms", which I drafted and you amended, having "received advice", as confirmed in your email of 28 July 2010.

2 Unfortunately, and this is also confirmed by the agreed notes of the meeting, there was no agreement on any specific matter. It was, however, a useful and courteous meeting at which it was possible to review the matters in dispute, discuss possible avenues for settlement and further define the range of issues in dispute, which prior to the exchange of Heads of Terms had not been fully summarised in a single document.

3 The items listed in your letter 1-6 appear in your suggested replies to my first draft of the "Heads of Terms", but they were not agreed.

4 Following the attempt to negotiate a settlement of all matters, which unfortunately was not possible, Mr Friend, who remained throughout very keen to avoid the further costs of litigation, agreed with his family to instruct Mr Hall to settle the Orchard Title dispute on the terms now agreed.

5 The settlement of the Orchard Title dispute was conducted in isolation and was not linked to the issue of the Registration of the road. This is confirmed by the settlement terms defined, on your instructions, in a letter dated 1 September 2010 from your solicitors Robinson & Allfree.

6 A proposed maintenance agreement will be sent to you, together with a suggested future dispute resolution procedure, in due course, once we have reached final settlement on all other issues.

Yours sincerely


James Squier FRICS
Partner, Land & Business