

SECTION S.

HIRKWOODS LETTERS.

LAND REGISTRY DOCUMENT.

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Our Ref:

BPK IM 11602 Moein

Our Ref:

Date:

28 June 2010

Dear Damon

RE: Mr Reza Moein
Application to Local Authority - Certificate of Lawfulness
Flat 9, 22 Buckland Crescent, London NW3 5DX

I refer to our telephone discussion and understand that you are assisting Mr. Moein/Michael Placks with the application to the local authority.

I would be grateful if you could let me have copies of any application or correspondence that you receive.

The current situation is that there is an application with the LVT which is now to be dealt with on the 14th of July. It is my intention to instruct Counsel to represent Mr. Moein on that date and there has been a time allowed of one hour.

I enclose a copy of the last Decision made by the Tribunal and you will note the reasons for the adjournment and the view of the Counsel at that time. I also enclose a copy of the recent letter of the 15th of June that I sent to the LVT but they have made it clear that the application will still proceed on the 14th of July. To date, I have been unable to obtain any satisfactory information from the current freeholder's solicitors and indeed, also any response from the solicitors who represented the previous Landlord, Mr. Ghaffouri. Unfortunately, one can only draw the conclusion that there is a link between the freeholders of the past and present and indeed, the original Leascholder.

I, therefore, also enclose the following:

1. Copy Lease and Lease plan.
2. My initial report to Mr. Moein.

SRA Number: 79929

R. D. BRIDGES, B.A. • B. P. KRAMER, LL.B.

Practice Manager: K.C. VADDER, Flnst. LAM

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3. Copy valuation report from Mortgage Express when the property was originally purchased by Mr. Moein.
4. Copy letter of the 21st of July 2009 by Sherman Phillips and copy Transfer of the 20th of January 2010.
5. Copy of the draft Agreement with Mr. Moein and Mr. Alavi.
6. Copy Deed of Variation to Lease.
7. Copy current freehold title.

The freehold was originally owned by 22 Buckland Crescent Limited but that company, as you will see, was dissolved on the 21st of July 2009. The explanation thereafter is fully contained in my letter to the Tribunal of the 15th of June.

You will also note from the Lease plan the windows that are shown which were clearly in situ well before Mr. Moein purchased the property.

The current freeholders are registered in Jersey and the solicitors are refusing to provide information in relation to who are the real Directors and Shareholders of that company. This is, of course, an issue which I have now raised with the LVT.

There is undoubtedly a relationship between the previous freeholder and the Vendor of the flat who sold the same to Mr. Moein. They were all clearly Directors of the appropriate companies who were the freeholders and owners of the share of the freehold company. There is no doubt in my mind, therefore, that when these works were undertaken there was no dispute and the Landlords were effectively responsible for undertaking those works.

There was nothing on the mortgage valuation when Mr. Moein bought the property that would necessarily have lead the solicitors to carry out any further investigation. Contracts were exchanged and completion took place almost simultaneously and I do have the conveyancing file here. There is nothing in the instructions that I can find from Mortgage Express instructing the solicitors to obtain any other information.

My concern now is that Sherman Phillips are refusing to answer my letters and provide any evidence of service of the Section 5 Notices for the sale of the freehold. I have also been trying to establish the relationship between the current freeholders and the previous freeholder. I, of course, suspect that there is a link between them and to date, have been unable to obtain a response. I look forward to hearing from you shortly.

Yours sincerely
BRADLEY P KRAMER
Encs

Mr Matthew Willing - Case Officer
Residential Property Tribunal Service
London Rent Assessment Panel
DX 134205
Tottenham Court Road 2

BPK IM 11602 Moein

MW/LON/00AG/LBC/2010/
0019

15 June 2010

Dear Sir

RE: Commonhold and Leasehold Reform Act 2002 - Section 168(4)
Flat 9, 22 Buckland Crescent, London NW3 5DX

We refer to your letter of the 11th of May with the Notice of the adjournment and the reasons that were given.

We act on behalf of the Respondent, Mr. Moein, and since that date, we have been conducting an extensive investigation as to the circumstances regarding the freehold and general management of this development.

We have been in correspondence with S. E. Law Limited, the solicitors for the current freeholders, but have been unable to obtain any satisfactory responses to our letters.

We note that in Clause 15 of the Reasons given reference was made to a further Application which they could issue. To date, no other Application has been issued under Section 168 of the Commonhold and Leasehold Reform Act 2002.

There is certain information which we do feel would be wise for us to bring to your attention at this moment in time. The information is as follows:

1. The property being the freehold of which was originally owned by 22 Buckland Crescent Limited. That company was dissolved on the 21st of July 2009. The shares were owned by Lille Properties Limited. At that time, the Director of 22 Buckland Crescent Limited was Mr. Ali Akbar Alavi.
2. So far as Lille Properties Limited was concerned, we have established that that company has also been dissolved and was dissolved on the 17th of March 2009. The Director of that company was Mrs. Esmat Jouzdani. This was, of course, the same Mrs. Jouzdani who in fact took the Lease on the 3rd of February 2006 from 22 Buckland Crescent Limited. Mrs. Jouzdani was not shown as an officer of that

company, 22 Buckland Crescent Limited, but clearly was a Director of Lille Propeties Limited which owned the shares in 22 Buckland Crescent Limited.

3. Mrs. Jouzdani was granted the Lease and at some stage, had then sold the Lease to Mr. Ali Akbar Alavi who was a Director of 22 Buckland Crescent Limited. In April 2008 our client, Mr. Moein, purchased the property from Mr. Alavi for the sum of £250,000.00.
4. We have established that the solicitors representing Mr. Alavi were Messrs. Sherman Phillips of West Hampstead and these are the same firm of solicitors who purportedly served the Section 5 Notice on the 21st of July 2009, which our client had never received.
5. The freehold is now currently registered in the names of IZA Limited who are a company incorporated in St. Helier, Jersey. We have asked their solicitors, S. E. Law Limited, for confirmation as to who are the shareholders and Directors of that company and not just the nominees. To date, they have failed to provide this information.

We felt it only right to bring to your attention the connections between the various companies and their Directors and the dealings with this property.

It, therefore, appears abundantly clear that at all times the work that was undertaken was undertaken by the freeholders either directly or through their Directors. Quite clearly two of the officers involved have owned the property in our view.

Perhaps this letter could be placed in front of the Tribunal Officers to consider any further directions they feel are necessary.

Yours faithfully

KIRKWOODS

cc S E Law Limited



Official copy of register of title

Title number NGL745910 Edition date 15.02.2010

- This official copy shows the entries on the register of title on 27 MAR 2010 at 13:01:28.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 27 Mar 2010.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1-A *guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry, Croydon Office.

A: Property Register

This register describes the land and estate comprised in the title.

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- 1 (06.06.1978) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 22 Buckland Crescent, London (NW3 5DX).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (04.02.2010) PROPRIETOR: IZA LIMITED (incorporated in Liberia) of Rathbone House, 15 Esplanade, St Helier, Jersey, JE1 1RB.
- 2 (04.02.2010) The price stated to have been paid on 20 January 2010 was £41,000.
- 3 (04.02.2010) The Transfer to the proprietor contains a covenant to observe and perform the covenants by the landlord contained in the leases referred to in the Schedule of Notices of Leases and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to the following rights reserved by a Conveyance of the freehold estate in the land in this title and other land dated 17 May 1978 made between (1) The Church Commissioners for England (Commissioners) and (2) Tadeusz Bronislaw Jawor and Zbigniew Jawor (Purchasers):-

Title number NGL745910

C: Charges Register continued

"EXCEPT AND RESERVING unto the Commissioners and their successors:

(a) The free flow of water and soil and other services from and to any adjoining land and premises belonging to the Commissioners through any sewers drains watercourses pipes wires cables and conduits now existing in or under the said premises or substituted therefor by the Purchasers

(b) Full and free right and liberty without obtaining the consent of or making any compensation to the Purchasers or other the owner or owners occupier or occupiers for the time being of the said premises to deal in any manner whatsoever with any of the land and premises belonging to the Commissioners adjoining opposite or near to the said premises and to erect and maintain or suffer to be erected or maintained on such adjoining opposite or neighbouring land and premises any buildings whatsoever whether such buildings shall or shall not affect or diminish the light or air which may now or at any time or times hereafter be enjoyed for or in respect of the said premises or any buildings for the time being thereon.

- 2 The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.
- 3 (27.02.2006) By a Deed dated 3 February 2006 made between (1) 22 Buckland Crescent Limited and (2) Esmat Jouzdani the terms of the lease dated 4 October 2005 of First Floor Flat 4 referred to in the schedule of leases hereto were varied.

NOTE: Copy Deed filed under NGL855330.

Schedule of notices of leases

1	30.10.1996	Basement and Ground Floor Flat 1	09.07.1996 99 years from 09.07.1996	NGL743191
NOTE 1: By a Deed dated 15 April 1996 made between (1) Masouma Investment Company Limited and (2) Christos Savva the terms of the lease were varied. (Original Deed filed under NGL743191).				
NOTE 2: By a Deed dated 17 February 1997 made between (1) Masouma Investment Company Limited and (2) Kieran Joseph O'Connor the terms and extent of the lease above were varied. (Copy filed under NGL743191)				
2	18.04.1997	Lower Ground Floor and Ground Floor Flat 2, and Garden Ground	17.02.1997 99 years from 25.3.1980	NGL748641
3	23.09.2005	First Floor Flat 3	19.08.2005 99 years from 9.7.1996	NGL853356
4	21.09.2005	Second Floor Flat 6	01.09.2005 99 years from 9.7.1996	NGL853191
5	10.11.2005	First Floor Flat 4	04.10.2005 99 years from 9.7.1996	NGL855330
NOTE: See entry in the Charges Register relating to a Deed of Variation dated 3 February 2006				
6	10.11.2005	First Floor Flat 5	04.10.2005 99 years from 9.7.1996	NGL855331
7	10.11.2005	Second Floor Flat 8	04.10.2005 99 years from 9.7.1996	NGL855332
8	16.11.2005	Second Floor Flat 7	04.10.2005 99 years from 9.7.1996	NGL855331

Title number NGL745910

Schedule of notices of leases continued

9 28.02.2006 Third Floor Flat 9

03.02.2006

NGL859696

99 years from
9.7.1996

End of register