

In The High Court Case No. 10370284
[2012] EWHC 2714 (COP) Date: 9th October 2012.

Preston Combined Court Centre

**In The Matter of
Ms Ann Clarke**

Representing Ms Ann Clarke:-
Her Executor by: Mr Michael Clarke
Before

The Honourable Mr Justice Peter Jackson

19.10.2012

Response to costs submissions arguments put forward by Simon Heapy and Hugh Jones;

Hugh Jones states that an investigation carried out by the OPG failed to find any wrong doing on his part. We believe collusion to conspiracy at hand to create a cover up of the alleged wrong doing and where deception is clearly visible by Hugh Jones, proved by way of publications on our website which shows the 'so called' professional's ability to conduct himself in this manner. The OPG has in our opinion proved itself unfit for purpose and so, now is currently under investigation by the PHSO (Parliamentary Health and Service Ombudsman) this week's copy correspondence enclosed as proof. Matters are far from the end as we seek costs and compensation.

On the 12th March 2012 you the Judge did verbally promise a full investigation into matters that we believe have still not been carried out by your court, evidenced by your handing back to me at the end of that hearing a dossier containing evidence of some of the wrong doing. It is still our firm belief that my mother Ms Ann Clarke is being denied the due course of relevant justice in this matter to which we intend to hold those in doing so, responsible.

It is we believe the responsibility of your honourable self to make sure that the 'so called' patient is availed of all the parens patriae, judicial wise, in order to root out the evil that has beset her and her living will estate now in my capacity as EXECUTOR, believing the court of protection / OPG to be 'cleared off' and as such all relevant accounts, files, tax submissions and any/all correspondence via email or mail etc. to be prevailed and released under full disclosure rules of court. Any attempt to do anything other than requested would be perverting the course of Justice and nothing less.

Your honourable self's own more recent order stated, "there will be no charges placed upon Ms Clarke's property in her lifetime" and so how can one be placed during her life time to be initialised upon death where the will clearly states it is my duty as EXECUTOR to protect her estate and I give no authority for any such charges. I also submit that the property upon death according to the will is mine and why should I pay these persons legal costs? I also submit that as a reminder, an appeal to the supreme court has been lodged to your section 3 declaration of your last order that our evidence shows Ms Clarke does have capacity to gift her house and thus being deprived of such is unlawful and had she been able to do so the property would currently not be hers it would be mine. I fail to see how any charges can legally & MORE IMPORTANTLY to us LAWFULLY, what so ever, be placed upon that property.

In the courts generally, loser pays, HUGH JONES clearly displayed verbally in court waiting area that he was going to win but fail he did, so why should my mother or even I, for that matter, bear his costs. Likewise the family can read like everyone else the numerous qualified doctors reports confirming my mother's capacity but yet they continued to object to her actions, we believe for the

sole motivation of greed, seeking an inheritance that was never theirs, such actions warrant that they pay their own expenses, not my mother or me.

Questions still left unanswered by way of commercial affidavits served upon this court and to HUGH JONES and the OPG chiefs need answers! HUGH JONES stated he had no jurisdiction on Ms Clarke's welfare whilst abroad and we believe neither did he have any financial jurisdiction thus he cost her in excess of £100,000. He may have had only a property jurisdiction but even if he proves financial jurisdiction which we doubt extremely, why did he then not protect her funds by opening a euro account being the country of residence? As EXECUTOR I demand answers and if this court cannot provide those answers there are other courts that no doubt will!

Further to the above HUGH JONES submitted to Ms Clarke in 2003, after serious allegations were made back then about his charges, where in that document hereby submitted today he clearly states to Ms Clarke that his annual charges will not exceed £5000 per annum with the exception to inflation at 3% witnessed by Court of Protection special visitor Vivian Creech. Since this time not only has HUGH JONES withheld any of the information with regard to accounts or charges, that he has been repeatedly asked for, he overcharged Ms Clarke by £10,000 per annum, running up his bills to £15,000 per annum in a clear and unequivocal lie to Ms Clarke that he then proceeded to hide those charges. The effect to us and especially me the Executor was that he stole in excess of £100,000 in charges alone. When pressed further for charges statements and accounts on the 18.07.2011 in a recorded meeting with HUGH JONES he informs Ms Clarke in a blatant lie that his total charges did not exceed £70,000 when in fact they had exceeded this as later found out to £115,000, a £45,000 lie to his client, RECORDED!

Listen to it at 17 minutes in to 23 minutes on this link;

<http://www.opposepredatoryguardians.com/hughjonesmeeting180711.mp3>

If you are prepared to consider the lies deceit and theft in the above few minutes imagine what 11 years might reveal!

TRUST LAW and The last living will and Testament

The property is held in trust for the benefit of the beneficiary (me) and as Executor (also me) of the living will due to continued claims of incapacity on my mother; I instruct that this property cannot be charged. You the Judge are in fact a trustee and in fact are being ordered to act accordingly as that trustee for the beneficiary by the executor.

TO SUMMARISE

Following our applications for interim orders for full and proper disclosure before the court we have been further invited to comment on the professional cost submissions to line the pockets of solicitors Mr Hugh Jones and Mr Heapy. Here yet again they have not provided detailed accounts and we ask the court to include these detailed accounts in our interim orders for full and proper disclosure.

Given that the court has ordered there can be no charges placed on Ann Clarke's home we understand from the professionals submissions that they are applying to make themselves future beneficiaries of Ms Clarke's home upon her death. Her Last Will does not allow for this, the Last Will has disposed of their claimed authority having cleared-off the Court of Protection placing Ann's Clarke's authority into the hands of her Executor.

Having failed to obtain Ms Clarke's capital tied up in her home, the professional applications for their substantial professional costs now clearly demonstrate they have **not** been acting in Ann Clarke's best interests but in reality their own interest to drain every last penny possible from Ms Clarke. There is absolutely no duty on Ms Clarke to be made a further victim of the professional costs racket operating in the Court of Protection as the pizzo, lining the pockets of a national crime network of professional probate practitioners.

We ask the court to apply to their professional cost submissions the principle of loser pays their own costs in acting against Ms Clarke's wishes in their vexatious and barratry litigation against her and the four professional reports supporting her capacity to make her own Last Will.

We look forward to the Court's orders for full and proper disclosure so that we are able to consider our own costs against the receiver/deputy Mr Hugh Jones.

We want to stay in honour your honour; we just ask that you do the same.



By: Michael of the family Clarke EXECUTOR for Ann Clarke

Attached letter from PHSO dated 17.10.2012

Attached statement of 2003 HUGH JONES proposed charges

From: Coral Alice
Sent: Wednesday, October 17, 2012 12:58 PM
To: mike@rake.net
Subject: Your complaint to the Ombudsman EN-135765 (update)

RESTRICTED - OMBUDSMAN CASEWORK

In Confidence

Mr Mike Clarke (by email)

17 October 2012

Dear Mr Clarke

Your complaint to the Ombudsman ref: EN-135765

I am sorry that it is taking us a long time to be able to assess your complaint. I am sure you will appreciate that your case is very complex and that there are many issues we need to consider carefully, including parts which may be out of our remit, before we can decide whether we can help you. I hope that we will be able to tell you in four weeks whether the Ombudsman will need to carry out a formal investigation. If it is likely to take longer than four weeks, I will update you again.

Yours sincerely
Alice Coral
Parliamentary Assessor
Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP

Tel: 0300 061 3937
Fax: 0300 061 4000
E-mail: alice.coral@ombudsman.org.uk
Web: www.ombudsman.org.uk

OUR REPLY

Dear Alice Coral REF EN-135765 18.10.2012

Whatever effort has been going into resolving this case I am very pleased to hear of your continued efforts.

We are well aware of its complexity and we convey our hopes and aspirations that you will uncover the truth.

Though the HIGH COURT Judge Justice Peter Jackson has recently seen fit & ordered that my mother can keep her house and it will not be sold at this present time he has not addressed the issue's raised of financial complaints and or accusations of a cover up.

However as we have now turned to costs recently, we have asked the Judge to issue interim orders for full disclosure of all documentation in my now, current capacity as mums living will executor so as costs can be calculated fully and more precise.

We also have asked the Judge for an order to force disclosure from the receiver HUGH JONES and the chief executive of the Office of the PUBLIC GUARDIAN, ALAN ECCLES of, what was and is the financial jurisdiction over the client whilst in emigration in Spain which has cost my mother exchange rate losses exceeding over £100,000 & where the court openly claims upon its website jurisdiction covers only England & Wales.

These requests and recent events can be seen on our live websites;

www.opposepredatoryguardians.com

www.opg.me.uk

www.courtofprotection.me.uk

Though we are aiming in the right direction currently and that the gap of continued deception fraud theft and mal administration is closing we believe on the overall corruption to hand, we ultimately seek compensation on all the issue's and matters contained within our complaints.

My mother should not have had to endure all these events when in reality her capacity to take all decisions in her life have remained intact from the very beginning clearly demonstrating a miscarriage of justice where the overall upshot should uncover costs to my mother in the region possibly exceeding £400,000.

She also has been denied access to Justice alongside representation from the use of her own money, all the while the solicitor receiver continued to use her money to fund his own objections to her claims. Its a complete calamity & travesty of total injustice from start to finish and when its over I hope to prove with your help alongside others that the COURT OF PROTECTION / OFFICE of THE PUBLIC GUARDIAN is unfit for purpose.

It basically has ruined mine and my mother's lives over the last 11 years.

We assumed her compensation awarded 11 years ago was going to make her life easier, but it has made it harder.

Kind regards

Mike & Ann Clarke

ANN CLARKE 31 Cherry Tree Rd BLACKPOOL

CURRENT outgoings: 2003 MAY (inflation factor 3%)

year	house	care	bills	HJ	car	
1	income	payment	payments	expenses	deprecat.	
weekly	£ 670	£ 100	£ 80	£ 100	£ 80	
x	52	52	52	52	52	
annual year	£ 34,840	£ 5,200	£ 4,160	£ 5,200	£ 4,160	£ 53,560 total
				sollicitor		
2	£ 35,885	£ 5,366	£ 4,285	£ 5,366	£ 4,285	£ 55,167
3	£ 36,982	£ 5,517	£ 4,413	£ 5,517	£ 4,413	£ 56,822
4	£ 38,071	£ 5,682	£ 4,546	£ 5,682	£ 4,546	£ 58,526
5	£ 39,213	£ 5,853	£ 4,682	£ 5,853	£ 4,682	£ 60,282
6	£ 40,399	£ 6,028	£ 4,823	£ 6,028	£ 4,823	£ 62,091
7	£ 41,601	£ 6,209	£ 4,967	£ 6,209	£ 4,967	£ 63,953
8	£ 42,849	£ 6,395	£ 5,116	£ 6,395	£ 5,116	£ 65,872
9	£ 44,134	£ 6,587	£ 5,270	£ 6,587	£ 5,270	£ 67,848
10	£ 45,458	£ 6,785	£ 5,428	£ 6,785	£ 5,428	£ 69,884
Totals	£ 399,402	£ 59,612	£ 47,690	£ 59,612	£ 47,690	£ 614,005 paid out

Rate of balance reduction

first year	balance	minus used yearly	balance	paid 4.5% net interest	balance	plus pension	total
1	£450,000	£53,560	£396,440	£17,840	£414,280	£3,640	£417,920
2	£417,920	£55,167	£362,753	£16,324	£379,077	£3,749	£382,826
3	£382,826	£56,822	£326,004	£14,870	£340,874	£3,862	£344,536
4	£344,536	£58,526	£286,010	£12,870	£299,880	£3,978	£302,858
5	£302,858	£60,282	£242,575	£10,916	£253,491	£4,097	£257,588
6	£257,588	£62,091	£195,497	£9,797	£204,295	£4,220	£208,515
7	£208,515	£63,953	£144,561	£8,506	£151,066	£4,346	£155,413
8	£155,413	£65,872	£89,541	£4,029	£93,570	£4,477	£98,047
9	£98,047	£67,848	£30,199	£1,359	£31,557	£4,611	£36,169
10	£36,169	£69,884	£-33,715		£-33,715	£4,749	£-28,966
		£614,005					shortfall

Money will expire after 10 years

Have highlighted your expenses @ £69,000 of £10,000 already taken = £100,000

Original solicitor expenses projected by the court at £25,000