

POSITION STATEMENT

to Court Hearing dated 12th March 2012 conducted without consent from me by
Judge Justice Peter Jackson

10/03/2012

10370284

Ann of the family Clarke

I apologise for the delay, I was only advised by email on the 8th March 2012 of this requirement, which was not opened until after the designated reply time of 4pm on the 9th March 2012 due to travelling from Spain and the lack of Internet for that duration.

1. My position is simple. I am **not** a slave & I am **not** a subject to be dictated to.
2. I trust my son, Michael, with my life, as I have done so for the past 16 years.
3. For the last eleven years I have wanted to gift my property to my son, Michael as can clearly be seen in written evidence supplied to the court from 2001.
4. I have endured many medical experts over the years at great expense to my own personal wealth and will endure **no more**.
5. The "four" medically qualified "special" doctors, trained in "clinical neuropsychology" have informed me of my capacity to sign this statement and to conduct the acts laid here within it, as I assume you have read those reports.
6. I revoke all authority and consent to this hearing or any further hearings unless conducted in a common law setting with a jury of 12, as I believe is my right.
7. I am here in an advisory roll **but not "assumed consent"**.
8. I have a condition known, as "dysphasia" which simply put, is "trouble speaking". This should **not**, repeat **not**, distort yours or anyone else's view of my capacity, as this conveys to me your ignorance, inequality & discrimination against my human rights but, I know only too well over the years, it does happen as sadly can be seen with my own daughter Angela Wild and other son Kevin Clarke whom refuse to accept my life choices thus seem hell bent on trying to make my life a misery by enslaving me to become dictated to by the nanny state whom to date have lied and stolen from me and mal administered my affairs.
9. I have not regained my capacity, **as I never lost it**. The reports demonstrate this by the fact 2 reports were commissioned, the first in 2001 and another soon after. The further 2 reports were conducted one in 2010 and the last one November 2011 only 4 months ago at the start of this application.
10. I have been a subject dictated to by the state for eleven years and during this time Mental Capacity Act Rules changed in 2005 which, in reality qualified me for release without question as my doctors inform me it can clearly be shown I do not fulfil stage 2 of the act in order to further detain me.
11. The doctors have confirmed my condition of "dysphasia" that has not affected my ability to weigh up matters in decision-making capacity and therefore I believe it is my solemn human right to remind this hearing of my human rights to allow my son to speak for me in projecting concerns stated herein.
12. I will "**only**" live with my son till the day I die, **in his arms**.
13. I wish, and have wished for eleven long years to gift him my property.
14. My son will not live anymore in a property that I have no rights over and neither now will I.

15. If he moves I will move with him without question, more than likely abroad where we currently now reside in exile, in fear, of the UK state of corruption that it clearly conveys now in the world wide web to see. I.e, www.opg.me
16. I will not be forced to live with anyone else.
17. I no longer ask the court, to release my property & me, **I demand so.**
18. Failure to discharge me will only be another act of theft committed against me, to take further time out from my short remaining life to await the outcome from the European Court of Human Rights and Civil Liberties Protection (expected to be years), whom I have already written to the registrar to preempt what we already consider to be a failed, corrupt UK state process, that I have been enslaved to, in which has seen the loss/theft of over £200,000 of my money without providing any forensic accountability, protection or right of recourse, all of which may I remind the court, has been requested time and time again via various bodies purporting to be institutes of Justice and authority that have resulted in replies of unsatisfactory double speak providing nothing else.
19. Compensation was being sought by recruitment of another solicitor but my deputy financially placed a stranglehold on any funds to pay such legal assistance hence we turned to fringe group assistance from The British Constitution Group whom advised of common law claims in the capacity of a Commercial Lien then served upon HUGH JONES and PANNONE LLP. The company responded eventually with a “so called” unlawful injunction placed upon the claim/lien by my deputy HUGH JONES whom has also threatened my son within that potential injunction with PRISON.
20. The Court of Protection has only protected itself whilst committing acts against me of deceit, lies, theft, fraud, neglect and mal administration. All of these acts are a criminal breach of common law and where my deputy was issued with our common law statement of truth under penalty of perjury signed and swore under oath and before god by a notary, Mr HUGH JONES failed to acknowledge or reply within the given period of time allowed to him and all of his fellow directors, entering into tacit agreement by the doctrine of **estoppel** by **acquiescence**. When they did finally realise their mistake, the company took out an injunction in an unlawful hearing conducted in the face refused consent in an affidavit by me, to where upon they have further demanded £25,000 fees from my son and threatened him with prison under possible contempt of court rules which we believe is a common law misdemeanour not a statute one and where to remove liberty a common law jury of 12 would be needed. This process we believe it would be very fair to say is process now known to us as “**Fear and Assumption**”. Assumed you consented therefore then providing Fear of prison all of which in a process that was refused consent then technically is unlawful.
21. These acts committed against my son all the while, are in the full knowledge that my son has done nothing but to try and protect me under Mental Capacity Act rules section 5 offering protection as my carer where my income dropped suddenly by 90 % from HUGH JONES in his effort to prevent funding of legal redress. That reduction dropped below my pension payments and my DLA benefits of £170 weekly whilst also sitting on substantial funds I had to my disposal. This act created a liability of villa rent that Mr Hugh Jones also withheld funds from my son so as to protect additionally from any funds being used to pay for legal redress being sought financially and though this liability

has now expired he continues to holds funds from our household income to this day and as a result the protesting followed plus commercial lien.

22. If the court today decides to continue down this path it will be condoning all actions of deceit, lies, theft, fraud, neglect and mal administration. One can only draw the conclusion that the UK state is in effect a “state of corruption” and perversion of justice that is denying me my human rights leaving me no option but to seek a higher authority whom we have no doubt will demonstrate real justice and compensation from the British Government in this very instant matter where all involved, inclusive of the unwarranted privileged positions of Judges, that are all culpable by association to perverse corrupt processes not observing the due process of “the” common laws of the land laid down within the Magna Carta Act 1215 that is still in force today.
23. The actions that are continuing are destroying my life literally before your eyes our lives have become pure misery, the misery endured with my son caring for me for 5 years prior to this award in 2001 pales into insignificance when set side by side with the misery created with this award and we are sorely very tempted to disassociate ourselves completely from the British Government for doing this to me and my son.
24. What is needed now is for this court not to direct any further to any other hearings but to release me forthwith, today during this hearing. I am tired, so is my son, I am 72 and need to put my house in order before I die which I wonder is this what your all waiting for or are you just trying to bring it forward by sending social services banging at my door on several occasions as well as document servers banging at my door & my neighbours doors several times of an aggressive nature, sitting in my driveway creating a sense of terror and fear probably designed to see me off so that this problem may be swept under your carpet, **my it must be busy under there!!**

Our association with our past legal contract fiction names;
ANN CLARKE & MICHAEL CLARKE hereby revoked.

Ann of the family Clarke
signed

Conveyed by my son Michael of the family Clarke
signed

Statement of HUGH JONES **response in BOLD 12/02/2012**

1. I, Hugh Adrian Scott Jones of Pannone LLP, 123 Deansgate, Manchester, M3 2BU, make this statement in my capacity as Deputy for Property and Affairs for Ann Clarke pursuant to a Deputyship Order dated the 14th January 2010.

2. This statement is made pursuant to a Directions Order of District Judge Batten dated the 20th December 2011 to address my objections to the application before the Court, namely the application by Ann Clarke for an Order for discharge under Rule 202 of the Court of Protection Rules 2007 on the basis that she has capacity to manage her Property and Affairs.

3. I have acted for Ann Clarke ("Ann") since I was appointed as her Receiver in 2001 and I have therefore known her for over 11 years.

Mr Hugh Jones may be aware of Ann but in total has probably not spent more than a couple of hours with Ann and so categorically refute this claim as lies. He does not know Ann as he tries to perceive here.

Background

4. Ann's background has been stated extensively in other medical reports and therefore I will just briefly recap the circumstances of her injury. She suffered serious injuries and in particular an acquired brain injury when involved in a road traffic accident on the 23rd June 1995 when she ran into the path of a lorry. A damages claim was brought against Oldham NHS Trust and Ann was awarded damages in 2001 in the sum of £775,000.00. At the time the award was made, there were disputes between Ann's children as to who was suitable to act as the receiver and it was as the result of this dispute that I was appointed as an independent professional.

5. Ann is divorced and has three children, namely two sons and one daughter. From her settlement award we purchased Cherry Tree Road in Blackpool where Ann has resided with her eldest son Michael Raymond Clarke ("Michael Clarke").

6. I attach as "Exhibit HASJ1" a schedule of the assets, income and expenditure of Ann Clarke.
Capital

7. Her capital now comprises of her property in Blackpool, Cherry Tree Road which is worth approximately £250,000.00 (**note here Hugh Jones tried to devalue the property to dispose of it fast last year to £180,000**), cash held within the Deputyship bank account of £9,500.00 and cash within Scottish Widows of £4,500.00. Ann therefore now has total liquid cash assets of £14,000.00.

Income

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8. In respect of income, Ann receives Disability Living Allowance of £294.40 per month, and state pension of £412.96 every 4 weeks. These are her only source of income.

Note here this figure weekly works out to £163 when he drastically reduced her income it was to £100 weekly

9. At the time of Ann's litigation, her life expectancy had been assessed by more than one expert at a figure of 70 years and settlement was achieved on this basis. Ann is now 71 years old and has therefore exceeded her life expectancy prediction within the litigation and is in good health.

Note his charges in the first year expected to be £1400 came out at £26,377 his excuse was that he had expenses in familiarizing himself with the case! Why then did he never pull the document that clearly states her life expectancy to be 83

Expenditure

10. It is currently extremely difficult to estimate what Ann's future expenditure will be. Much will depend upon her future care needs and who will meet these, ie whether Ann will continue to reside with Michael Clarke or whether she will enter residential care. I believe it is appropriate at this point to look at the historic expenditure in this matter as it is pertinent to Ann's future needs.

Please note he has been advised persistently that her care by me was conducted of benefits etc for 5 years 1996 to 2001 She will not go into a home. I have offered as he is aware undertakings to confirm her care by me till death.

11. Ann has no employed care as this is provided by her son Michael Clarke and his partner. As Michael Clarke has always been Ann's sole carer, living with her, historically all monies for household

allowance were sent directly to him to manage. **Note no employed care**

12. At the start of the Receivership, the monies were sent as one lump sum but covered not only household allowance and Ann's expenses, but also monies in respect of the care that Michael Clarke provided to his mother. From around 2004, we sent £670.00 household allowance per week to Michael Clarke. In addition to this, we paid for insurance, council tax and other miscellaneous disbursements from the receivership bank account. Michael Clarke contacted us as and when for additional monies such as for Christmas, decorating and suchlike one off expenditure.

13. The regular weekly payments to Michael Clarke in respect of his gratuitous care of £670.00 continued until July 2007 when they were increased to £700.00 per week. In February 2008, Michael Clarke contacted my office to advise that due to his own personal financial difficulties, he was no longer able to accept the £700.00 per week that we were sending to his own bank account as this would be taken by creditors. I advised him that the finances would need to be split into two sectors namely £350.00 paid directly to Ann for her household allowance/spending money and £350.00 directly to Michael in respect of his gratuitous care. This arrangement continued throughout 2008 and into 2009. **All income was household income no monies were paid to me as gratuitous care.**

14. In 2008, Michael Clarke took Ann Clarke to Spain on what we believed to be a temporary basis. **LIES Why was all our possessions moved to Spain and why was the house placed for sale onto the market?** In approximately September 2009 Michael Clarke contacted us to advise that he and his partner had purchased a nightclub in Spain and had found accommodation to suit them that was in within walking distance of his business. He advised that they were becoming entrenched in Spanish life and were not likely to be returning to the UK or if so only for brief visits. The rental of the property was £1,000.00 per month. Their living expenses were far higher and therefore from July 2009 Ann Clarke was sent £1,520.00 per month and Michael Clarke £1,520.00 per month. This put the expenditure per month at £4,040.00 (inclusive of the property rental). I raised concerns with Michael Clarke about the level of the expenditure which I considered to be unsustainable. **Mr HUGH JONES fails to mention the countless breakdowns sent to him explaining various matters not least of all the exchange rate we were being forced to live from that was fluctuating weekly in a downward trend to 33% loss. In 2008 ex rate was 1.5 to the pound it plummeted to 1 pound to one euro why is he hereby failing to mention this? Is it that he wants to paint a poor picture of me well ask and I will provide proof of the true picture of the pure unadulterated liar that HUGH JONES is in his capacity that he is not fit to be in.**

15. Despite repeated requests to Michael Clarke for a breakdown of their expenditure, I received nothing further from him in this regard. **PURE LIES Proof available.**

I raised repeated concerns that I could not continue sending such large amounts of money to him without knowing why the expenditure was so significant. **My god! This is a person whom has been stealing mismanaging monies and the lies he tells makes me shudder.**

Michael Clarke refused to supply me with this information. **In one email he was refused as he was told that he knew he already had it in his files and I told him to do what he is paid for and find it.**

I was placed in an invidious position whereby my only access to Ann was through Michael Clarke and I had to ensure that her needs were being met. **The only time her needs were not met was because of HUGH JONES and the forced living off an exchange rate that any normal person would not do they would like all other normal expatriates do and place their monies into euros. Reminder of the court that the definition of neglect is the failure to do what any reasonable person would do. My mother had asked for her money to be released to Spain it was refused. The losses totaled 90,000 these losses no one has done nothing about. MAL ADMINISTRATION and NEGLECT.**

I therefore felt there was no option but for me to continue to send the monies to Michael Clarke and continue to press the point that the funds were severely depleting and that the current level of expenditure was unsustainable.

16. I had meetings with Michael Clarke in 2010 when he levelled various accusations at me and

demanded that their monies be increased. Again, Michael Clarke did not provide me with details of the expenditure nor a breakdown or a likelihood of the future expenditure. In May 2010 I reluctantly increased the monies so that Ann Clarke received £2,000.00 per month household allowance and Michael Clarke £2,000.00 per month. Expenditure at this stage was therefore £5,000.00 per month (inclusive of rental). This continued throughout 2010 and into 2011.

Had Mr Jones not been neglectful by not providing a euro account from the beginning not only would we have not had to suffer such a huge loss we would not have had the daily eekly stress of living from an exchange rate depleting continuously that again why when we have all the letters and correspondence does he continuously lie about these actions where he failed in his duties.

17. In late 2011 I met with both Michael Clarke and Ann to explain that the current level of expenditure was simply not sustainable and that the fund was nearly depleted. In September 2011, I wrote to Michael Clarke to advise that Ann had only £31,000.00 remaining and that at that time I sent £2,000.00 per month to Michael Clarke, £500.00 per week to Ann and paid £900.00 in rent and that on this basis, the fund would be depleted in January 2012. Therefore from October 2011 I reduced the payments to Ann to £100.00 per week and Michael Clarke's money to £1,000.00 per month, inclusive of £400.00 towards rent. This was met by severe criticism from Michael Clarke and in December 2011, he and Ann Clarke stood underneath a banner outside Pannone LLP offices which stated "Oppose Predatory Guardians". Michael Clarke also handed out leaflets entitled "Oppose Predatory Guardians" which contained a number of very serious allegations regarding me including those of "Theit, lies and deceit". I attach a copy of the said leaflet as Exhibit "HASj2".

Mr HUGH JONES fails again to mention that we were tired of asking for the production of accounts that he had never supplied and in this period of time he was informed of our recruitment of another solicitor to seek the accounts and recompense for losses, this is the point when he made 90% reductions in income to stop the legal payments to another solicitor for legal redress. MORE LIES and or omissions from HUGH JONES to protect his own back. Please also take note his reduction to mum was for £100 failing to provide enough for her to live from where her own pension and DLA was £163 weekly alongside her £31,000 on deposit would you believe not only did he try to force a repatriation by financial strangulation he also did clearly want to prevent any financial legal redress to the obvious MAL Adminstration theft, fraud and neglectful ways in which he was conducting mums affairs and still is today.

18. Michael Clarke has repeatedly asked in the last several months for his mother's house to be gifted/transferred to him. My position as finanoal Deputy has been that this is not in Ann's best interests. This is Ann's sole remaining capital asset from her damages award. Michael Clarke is unable to advise me as to how he will continue to provide support to Ann once the cash assets are depleted. Should Ann need to go into residential care then the property will need to fund such care and any gifting or transfer of the property could be seen as deliberate deprivation of capital. Furthermore, the house derives from the monies received from the personal injury claim and was based on an assessment of Ann's past, current and future needs. It is clear that the entirety of this property will be needed to meet Ann's future needs in order to provide her with the appropriate level of care throughout her lifetime. There is certainly the possibility that she may have increased care needs in the future.

There are several hand written request letters from mum on file one from 2001 or other s can be produced as he is well aware of not least of all recorded conversations of this and his lies and deceitful ways where he has led mum down a road amounting to a wild goose chase. Mum has a right to live in her home she has the right to gift it and by law under 2005 Capacity Act rules cannot be denied those human rights. She has paid all her life into the system and though I do have several proposals to care for mum over the remainder of her life it has nothing to do with him or anyone else for that matter.

19. I fully acknowledge that Michael Clarke has taken on the large part of the care burden, however, he has received significant gratuitous care payments throughout the Deputyship.
Capacity of Ann Clarke

Received nothing by way of payment for gratuitous care and what monies he did provide I was told to use to maintain my mother care, insure my other car alongside a string of other requirements. It was household into and not mine to do a s I please never has been. He's a liar.

20. I do not believe that Ann has regained capacity to manage her Property and Affairs. Throughout the Receivership/Deputyship I have received no requests for finances or information regarding her finances directly from Ann. Any correspondence has always been from Michael Clarke. I have seen

no evidence that Ann is able to manage finances or budgets. Furthermore, neither Ann nor Michael Clarke have provided me with any indication that they have considered or planned for Ann's future expenditure and care needs despite my repeated requests for this information.

We know why he will not believe 4 special doctors reports she has capacity don't we! He stole £125,000 from her funds without providing any accounts, he neglectfully mal administered another £125,000 he discriminated against a relative carer and paid him nothing over the 11 year period resulting in free care probably worth to me £250,000 he has taken joy from making our lives miserable. He has been scheming and manipulative. He is devious. Words fail me how one can get away with what he has done!!

21. Ann has not and does not query her capital level, her income or expenditure. At no time has she expressed to me an interest in her financial position. It has been my understanding that Michael Clarke has dealt with all of her day to day financial matters and all of her household utility expenditure has been paid by standing order from the deputyship account.

Because of HUGH JONES thefts and MAL ADMINISTRATION she no longer needs to even try to manage her funds does she??

22. I have considered the report of Dr Schelewa and her opinions on Ann's capacity to consent to gifting her property and to manage her property and affairs.

Gift of property

23. It is my view that Dr Schelewa has over simplified the test in relation to Ann's capacity to gift her house to Michael Clarke. It is not unexpected to me that Ann wishes to continue to live with Michael Clarke. She has done so since her accident and he has been her main carer. I fully accept that she will want to continue to live with him and when asked will no doubt advise that she would like him to receive a share of the property and for it to pass to him when she dies.

How did HUGH JONES arrive at this conclusion please remind the court of your clinical nueropschology qualifications and can he please explain how 3 different qualified spacialists retain the same views. As for a share of the property this was the will that HUGH JONES tried to force upon my mother yet again not accounting properly for her wishes.

24. I believe however, that Dr Schelewa has failed to consider the wider implications of such a proposal. Her report makes no reference to the fact that this is Ann's sole capital asset. It does not address the implications this will have on how her care needs will be paid or how they will meet future household expenditure. There is no consideration of funding from the state for care and the consideration of deliberate deprivation of assets. Furthermore, Ann shows no comprehension that her actions will effectively disinherit two of her children and no reference to them is made within the report.

Dr Schelewa was one of the most professional people I have ever had the pleasure to come across I believe she was extremely professional with her full approach to mums disphasyia issues that she recognizes instantaneously and I must point out that her actual time with my mum has only amounted to no more than the entire time HUGH JONES has spent with mum and therefore perhaps if HUGH JONES had medical clinical expertise then it would be his place to comment or judgement on these issues but he clearly is as mum would demonstrate in her statement one of those whom are content to treat her with inequality ignorance and discrimination of her human rights just because he clearly cannot identify and accept her dysphasia is the only problem not her capacity to take and make decisions. He is biased in favour of money!

Further mum has shown her comprehension in an interview by Ruth Farrer Hall the courts own visitor whereby her report has been conveniently refused to be supplied to us. Fortunately I recorded that interview and in that mum clearly stated to Ruth Farrer hall when asked what amount of money did Annm believe she had left and mum clearly replied about £30,000 HUGH JONES is aware of this as it has been published on our website where the full interview of 1hour 20 mins can be listened to.

Manage property and affairs

25. Dr Schelewa accepts that Ann has an impairment or disturbance in the functioning of her mind and brain as a result of her acquired brain injury and this is agreed by all of the parties. However Dr Schelewa does not believe that the impairment/disturbance is such that Ann cannot manage her property and affairs. I disagree. **WE KNOW WHY! YOU LIAR AND THEIF.**

26, Whilst Ann can superficially understand the value of coins and may be able to identify between objects of high or low value, she cannot understand the complexities of dealing with her damages award. Dr Schelewa states in her report dated November 8th 2011 that in her previous assessment she concluded that Ann was considered to be able to make decisions regarding her finances. However, in the said report dated 20th December 2010, Dr Schelewa considered Ann's capacity to manage a small weekly income of £500.00 weekly. There appears to have been no consideration of Ann's capacity to manage the entirety of her estate. **Now stolen! Again I refer to the Ruth Farrer Hall visit from the court recorded and placed upon the website www.opg.me**

27. At this stage, management of Ann's financial affairs has become complicated by virtue of the fact that she has exceeded her life expectancy and difficult decisions regarding her property and care now need to be made. There are issues as to funding and much of these are tied to decisions as to where Ann is to reside. It is still unclear as to whether Michael Clarke and Ann intend to remain in England or move to Spain. Whilst Michael Clarke has expressed that he intends to care for his mother throughout her lifetime, it is unclear how he will achieve this financially, given that to date his expenditure has been so high and he has as yet been unable to provide me with a breakdown as to how this is comprised. In terms of statutory funding available for Ann, again this will be tied in to residency and issues as to who is providing the care. I believe that all of this has been omitted from the report of Dr Schelewa. **Not Needed Irrelevant! No bodies business but ours. We/ she is entitled to a private life under article 8 of convention rights**

28. In conclusion therefore, I believe that Ann should remain a protected party under the Court of Protection as she continues to lack capacity to manage her own Property and Affairs. **4 doctors say not. Please remind the court of your qualifications in the medical world!**

29. It should also be noted by the Court that Michael Clarke has raised several serious accusations in a public forum regarding me and my firm. As a result of this, I have made an application to the Court for an interim injunction against Michael Clarke under the provisions of the Protection from Harassment Act 1997.

No wonder Mr HUGH JONES and his company PANNONE LLP and its fellow directors are responsible for a 9 million pound debt to us. His best short term defence was an injunction that incidentally was unlawfully got.