



**IN THE HIGH COURT OF JUSTICE
000186**

CLAIM NO: PT-2018-

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

PT-2018-000186

**PROPERTY, TRUSTS AND PROBATE LIST
(ChD)**

IN THE ESTATE OF AUDREY LILIAN SHERSTONE (DECEASED)

Before Michael Green QC sitting as a Deputy Judge of the High Court

25th February 2020

BETWEEN: -

**(1) NICHOLAS ALAN VINCENT
(2) PETER KING**

Claimants

and

**(1) GERALD HAVELOCK SONES
(2) PETER MALCOLM SOANES
(3) CYNTHIA MONK**

Defendants

ORDER

UPON the application by the Claimants made by Application Notice dated 12 November 2019 and sealed on 13 November 2019 for committal of the First Defendant to prison for disobeying the Order of Master Price dated 26 July 2018, the Order of Deputy Master Arkush dated 18 September 2019 and the Order of Deputy Master Nurse dated 21 October 2019

AND UPON the Court reading the Second Affidavit of Daniel Jerome Winter dated 13 November 2019

AND UPON the Claimants' application dated 18 February 2020 that steps already taken to bring the application for committal and other documents to the attention of the First Defendant amount to good service of the same and/or that personal service be dispensed with

AND UPON the Court reading the Fourth witness statement of Daniel Jerome Winter dated 18 February 2020 in support of the said application relating to service

AND UPON hearing William Moffett, Counsel for the Claimants, and the First Defendant not attending and not represented (and the Second and Third Defendants neither attending nor being represented, it being unnecessary for the Second or Third Defendants to do so)

AND UPON the Court being satisfied that the steps already taken to bring the committal application to the attention of the First Defendant amount to sufficient service and that it is just in the circumstances to dispense with further service or personal service upon the First Defendant

AND UPON the Court being satisfied that the First Defendant has been guilty of contempt of court in failing to comply with paragraph 4 of the Order dated 26 July 2018 by failing to provide the cheque book, bank statements, and estate documents that he was ordered to provide

AND UPON the Court being satisfied that the First Defendant has been guilty of contempt of court in failing to comply with paragraph 1 of the Order dated 18 September 2019 by failing to attend Court for questioning on 21 October 2019

IT IS ORDERED:-

1. That the need for personal service of the committal application be dispensed with pursuant to CPR rule 81.10(5)(a), such steps as have already been taken to bring the committal application to the attention of the First Defendant being sufficient.
2. That for his contempt the First Defendant stand committed to HM Prison Pentonville for a period of 3 months for each of the two instances of contempt identified in the seventh and eighth recitals above, such 3-month periods to run concurrently from the date of his apprehension or until lawfully discharged if sooner.
3. That the warrant of committal remain in the court office at the High Courts of Justice Business and Property Courts of England and Wales and that execution of it be suspended so long as the First Defendant do comply with paragraph 4 below in all respects after which the sentence and warrant of committal be discharged.
4. The conditions on which the said warrant of committal shall be suspended are that the First Defendant shall:
 - 4.1 attend before the Master at the High Court of Justice, Business & Property Courts in Hearing Room 1, First Floor at 7 Rolls Building Fetter Lane London EC4A 1NL on Friday the 17th of April 2020 at 11.00am with a time

estimate of 2 hours to provide information about the First Defendant's means and any other information needed to enforce the money judgments against the First Defendant made in the order of 26 July 2018; and

4.2 on the date and at the place identified in paragraph 4.1 above the First Defendant shall produce all documents in his control which relate to his means of paying the amount due under the said order and which relate to the matters in paragraph 4.1 above. Those documents produced must include those shown in the list attached to the order in these proceedings made on 18 September 2019; and

4.3 on the date and at the place identified in paragraph 4.1 above the First Defendant shall answer on oath all the questions which the Court asks and which the Court allows the Claimants to ask; and

4.4 by the date and time identified in paragraph 4.1 above the First Defendant shall comply with paragraph 4 of the Order made in these proceedings on 26 July 2018.

5. The First Defendant do pay the Claimants' costs of the application to be summarily assessed on the indemnity basis at the hearing referred to in paragraph 4.1 above, if not agreed by that date.

6. A sealed copy of this order shall be served by the Claimants upon the First Defendant. Such service shall be validly effected by leaving a copy addressed to the First Defendant at the address: Apartamento 37, Portal 6, Isla Tortuga, Ave de La Marina, Puerto de Sotogrande, Sotogrande 11310, Spain.

Service of this Order

The Court has provided a sealed copy of this order to the serving party; Nockolds Solicitors, 6 Market Square, Bishop's Stortford, Hertfordshire CM23 3UZ