



Miss Noelle Rawe

22 September 2003

Our ref: LM.R360/1

Ext. 229

Your ref:

Also By Fax No.

Dear Noelle

Section 23 Application

I refer to the above and our earlier telephone conversation. You have, I am sure, soon that the wording of Section 20C is that

"A tenant may make an application to the appropriate Court for an Order that all or any of the costs incurred, or to be incurred, by the Landlord in connection with any proceedings are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person or persons specified in the application, and the Court may make such Order on the application as it considers just and equitable in the circumstances"

Your application is made by you alone and gives details of no other named person to the proceedings. If, you wish to seek an order that the costs incurred in the Leasehold Valuation Tribunal are not recoverable as a whole from all the Lessees in the block then the application should be made jointly by the Lessees who wish to make this application.

You have of course seen the correspondence passing between myself and Martin Russell Jones which was sent under instruction and I enclose a copy of their faxed letter dated 19 September but you will see from the top left hand corner actually sent on the 20th. You will see that they consider that the correspondence exchanged had resulted in an agreement that you will withdraw your Section 23 Application on the basis that they do not seek to recover from you the costs incurred in the LVT. If you now wish to renege on that point and proceed with your application so that an order is made that the LVT costs are not recoverable by any of the Lessees in any future service charges, then your application will have to be amended and the first hurdle that the Tribunal will have to consider is whether or not the correspondence passing between Martin Russell Jones and myself on 19 September constitutes a concluded agreement.

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Finally, I have received your letter dated 21 September with enclosures. You have asked that somebody highly experienced deal with this matter in this firm and I will have Mr Richard Twyman review the papers for you.

I have just spoken to CKFT in relation to the County Court proceedings and they have confirmed that we may now exchange our List of Documents by Wednesday 24 September. It is not entirely clear to me whether or not you wish me to continue with this matter on your behalf and perhaps you could confirm.

As instructed, I have not read your letter of 21 September in detail.

Perhaps you could revert to me and confirm your instructions. If, for the avoidance of doubt, your instructions are that you wish to proceed with a Section 10 for the benefit of the Lessees and for an order that the LVT costs are not recoverable against the block as a whole, then I will require a conference with Counsel to advise on your prospects of success and of course we would need to deal with the issue arising out of the MRJ faxed letter dated 19 September and faxed on 20 September 2003. I will also need written confirmation for the Lessees that they confirm your instructions to so act.

Yours sincerely

LISA MCLEAN
Litigation Assistant
e-mail:- lisa.mclean@pipersmith.co.uk

Enc

(A)

- = This is going to cost you barrister fee
- = Threat of retaliation
- = Stating an impossible requirement:
"confirmation for the lessees!"

Consider All of this in the context of her 23 June 2003 letter to Oliver Fisher which undoubtedly proves that she knows that J. Alone CAN MAKE AN APPLICATION for the block

(A)