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Date 16 March 2017
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URGENT – WRITTEN SUBMISSIONS DUE BY 4.30PM ON 17 MARCH 2017

By email: Andrew.Baines@michelmores.com

Dear Sirs

Bank of Scotland Plc v Mr Paul Michaels and Mrs Charlotte Michaels

We acknowledge receipt of your letter received at 16.09. As you are no longer on the court record as acting, we have copied this response to your clients.

It appears from your letter that you may not have seen our e-mail to your clients sent at 15.01 on 13 March. We enclose a copy.

We are seeking our client's instructions on your clients' request for a stay of enforcement of the possession order and money Judgment. However, we do not consider that these are matters on which the Court has requested written submissions. The two points which the Court requires written submissions on are:-

1. The provision for costs;
2. The date for payment of the money Judgment.

We have dealt with each point below.

Provision for costs

You have said in your letter that you anticipate our client would want 'no order for costs' in the usual manner for a mortgagee. Since in accordance with CPR 44.2 no order for costs means that each party is to bear its own, we submit that the correct approach is for the order to remain silent as to costs. Please confirm whether this can be agreed.

The date for payment of the money Judgment

As you correctly state, CPR 40.11 indicates that payment of a Judgment should be 14 days. Please confirm whether this can be agreed.

We will revert regarding your clients' request for a stay of enforcement as soon as we have our client's instructions but in the meantime, in view of the deadline for filing written submissions, we look forward to hearing from you urgently regarding the above 2 points.

Yours faithfully

A handwritten signature in cursive script, appearing to read "Eversheds Sutherland Int LLP".

Eversheds Sutherland (International) LLP

Enclosure