

Mr Simon Benjamin
280 Durants Road
Ponders End
EN3 7AZ

Date: 22nd June 2026
Our Ref: FM/1613624

BY POST

LETTER OF CLAIM

Dear Sir,

Our Clients: Andrew Cordell, Sheila Lewis, Tyrone Benjamin and Deon Benjamin
Property: 280 Durants Road, Ponders End, EN3 7AZ

We are instructed by Andrew Cordell, Sheila Lewis, Tyrone Benjamin and Deon Benjamin ("our Clients") in connection with the above Property, which we understand is presently your address and was previously the home of your late mother, Lorraine Cordell.

This letter is sent in accordance with the Practice Direction on Pre-Action Conduct and Protocols contained within the Civil Procedure Rules. We draw your attention in particular to paragraphs 13 to 16 concerning the Court's powers to impose sanctions for non-compliance.

You are strongly advised to seek independent legal advice upon receipt of this letter.

Ownership of the Property

We understand that the legal title to the Property was held by Andrew Cordell, Sheila Lewis and your late mother, Lorraine Cordell, as joint tenants at law, holding the Property on trust for themselves in equity as tenants in common in equal one-third shares.

Following your mother's death, legal title to the Property passed automatically, by survivorship, to Andrew Cordell and Sheila Lewis as the surviving trustees. However, because a tenancy in common carries no right of survivorship, your mother's one-third beneficial share did not pass in this way. Instead, it forms part of her estate.

We understand your mother died without leaving a valid will. Her estate therefore falls to be distributed in accordance with the statutory rules of intestacy. As she was survived by three children, yourself, Tyrone Benjamin and Deon Benjamin, and, so far as we are aware, no

www.barnesandpartners.com

Authorised and Regulated by
The Solicitors Regulation Authority
SRA No. 55002



Branches at: Crouch End, Enfield, Harlow

For a list of partners please visit our website

Community
Legal Service



surviving spouse or civil partner, her estate passes to her three children in equal shares absolutely.

Accordingly, once your mother's estate has been properly administered under a Grant of Letters of Administration, her one-third share in the Property will fall to be divided equally between yourself, Tyrone and Deon, that is, a one-ninth ($1/9$) share of the whole Property each.

On this basis, the beneficial interests in the Property are presently understood to be as follows:

- a) Andrew Cordell – one third ($1/3$)
- b) Sheila Lewis – one third ($1/3$)
- c) Yourself, Simon Benjamin – one ninth ($1/9$)
- d) Tyrone Benjamin – one ninth ($1/9$)
- e) Deon Benjamin – one ninth ($1/9$)

Your occupation of the Property

We understand that you are presently residing at the Property to the exclusion of our Clients, who, despite holding a combined eight-ninths ($8/9$) majority beneficial interest, are unable to access or make use of it.

We are instructed that you are not paying any rent, mortgage contribution or other outgoings in respect of the Property notwithstanding your occupation of it, and that this is causing our Clients real hardship and distress.

We are further instructed that the Property is no longer your registered bail address, and that our Clients have ongoing and serious concerns about activity taking place there, including frequent visitors at unsociable hours and suspected drug-related activity. Our Clients do not raise these matters lightly. They are separate from, but relevant context to, the urgency of resolving the position regarding the Property and its effect on our Clients and on the Property itself. Our Clients reserve all rights to refer such matters to the appropriate authorities separately from the issues addressed in this letter.

Legal basis of our Clients' claim

As a minority beneficiary, you have no automatic right to occupy the Property to the exclusion of the other beneficial owners. Under sections 12 and 13 of the Trusts of Land and Appointment of Trustees Act 1996 ("TOLATA 1996"), a beneficiary's right to occupy land held on trust may be excluded or restricted, and conditions may be imposed on continued occupation, including a requirement that an occupying beneficiary compensate those beneficiaries whose right to occupy has been excluded or restricted, commonly known as "occupation rent".

Further, any person with an interest in property subject to a trust of land may apply to the court under section 14 TOLATA 1996 for an order declaring the extent of the parties' beneficial interests, for sale of the property, or relating to the exercise of the trustees' functions, including the imposition of conditions on occupation. In determining such an application, the court must

have regard to the matters in section 15 TOLATA 1996, including the purposes for which the Property is held, and will also take into account the conduct and circumstances of an occupying beneficiary.

You do not, in any event, have authority to make unilateral decisions about the management, use or disposal of the Property. Any significant step, including refusing the other beneficial owners access, or carrying out alterations, requires proper consultation with, and generally the consent of, the other trustees and beneficiaries.

What we require from you

Please confirm in writing, within 14 days of the date of this letter:

1. whether you accept the analysis of the beneficial interests in the Property set out above and, if not, the basis on which you dispute it, together with any supporting evidence;
2. whether you are willing to engage with the proposals for resolving ownership of the Property, which are set out in an accompanying letter sent under separate cover of even date, marked Without Prejudice Save As To Costs;
3. whether you agree to a joint inspection of the Property, to assist in establishing its current condition; and
4. whether you are legally represented and, if so, the name and contact details of your solicitor, so that future correspondence can be directed to them.

Alternative Dispute Resolution (ADR)

Our Clients remain willing to engage in mediation or other appropriate alternative dispute resolution if that would assist in resolving this matter without the need for court proceedings.

However, if we do not hear from you within 14 days of the date of this letter, or if matters cannot be resolved amicably, our Clients reserve the right to issue proceedings under section 14 TOLATA 1996 without further notice. Such proceedings would seek an order for sale of the Property, a declaration as to the parties' respective beneficial interests, an account in respect of occupation rent and contributions, and our Clients' costs of the proceedings.

We draw your attention to the Practice Direction Pre-Action Conduct and Protocols, which encourages parties to engage constructively before litigation is commenced, and under which the court may take into account, when considering costs, a failure to respond to a letter of claim or an unreasonable refusal to engage in settlement discussions or alternative dispute resolution.

We look forward to hearing from you within 14 days of the date of this letter.

Yours faithfully,

Yours faithfully,

B&P

BARNES AND PARTNERS