

# ALSOP WILKINSON

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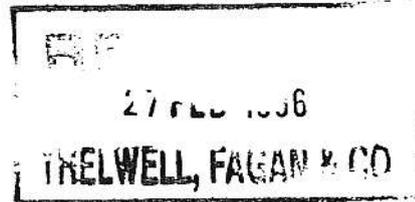
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Your ref:

AB.LC.D9467

26th February 1996

TheIwell Fagan & Co  
Solicitors  
DX 24653  
WEST KIRBY



Dear Sirs

## Bradford & Bingley Building Society v A P Dickson & A J Dickson

Thank you for your letter dated 21st February.

We refer to your letter of 30th January and can now answer as follows. Your client borrowed the sum of £7,500 from Merseyside Building Society on 27th September 1979. In July 1980 your client applied to Bradford & Bingley Building Society for a further advance of £4,500 but it was a term of this loan that the existing mortgage be re-paid. Consequently an offer of £12,000 was made to your client which she signed in acceptance and the monies were released in August 1980 under mortgage reference number 2835. An amount of £7752.21 was credited to account number 2772 in redemption of the original loan on 1st August 1980. Our client holds no further information nor is it able to obtain any further documents or information. All documents relating to Merseyside Building Society were inadvertently destroyed and there is no further documentation that can be provided. They were destroyed in April or May 1985.

We are still awaiting our clients' confirmation and/or provision of documents created since our clients produced their list of documents.

We look forward to receiving your client's supplemental list of documents together with the documents. We undertake to pay your reasonable photocopying charges.

With respect to your contention that Mr Dickson was included as a party to the action as he was in occupation of the property we refer you to the Particulars of Claim which set out the reason Mr Dickson was joined ie as Guarantor to the legal

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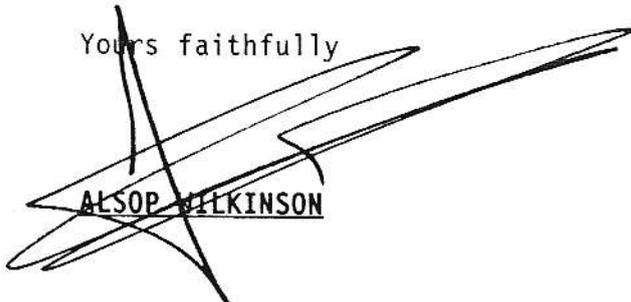
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Solicitors  
26th February 1996



charge. He covenanted with our clients that your client's obligations arising out of the total debt would be duly discharged. We therefore consider that there is need for him to be a party to the proceedings as he may have taken out a life insurance policy in respect of this mortgage. If so, if your client is unable to meet any claim out of her funds then Mr Dickson's estate (if any) should be charged with this claim. Accordingly, we consider that Mrs Dickson as personal representative of her husband's estate should be substituted as a party to the proceedings.

We do not accept your contention in respect of the Amended Particulars of Claim as appears in the final paragraph of your letter of 30th January. We do intend to proceed with the application for leave to amend the Particulars of Claim and the reason that the application was adjourned sine die was to enable all parties to consider their positions following the death of Mr Dickson. We consider that you have had sufficient time in which to seek your client's instructions to be substituted as personal representative of her late husband's estate. It seems sensible to us that both applications are heard at the same time. We await hearing from you on this.

Yours faithfully



**ALSOP WILKINSON**

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