



# Dealing with Defaulting Borrowers

## Avoiding the Practical and Legal Problems and Pitfalls

22 February 2010, London

### 9.00 Registration and Coffee

### 9.30 Chairman's Welcome and Introduction

*Michael Nield, Maitland Chambers*

### 9.45 How Did We Get In This Mess?

- How will history remember the lending of 2004-2007
- The changing economic picture from a lenders perspective
- Problems facing lenders today
- Changing lending practices and policies
- Outlook for the future

*Nick Baxter, Baxters Business Consultants*

### 10.30 Enforcement: Avoiding the Pitfalls

- Statutory framework: rights to possession and sale
- Contractual limitations: the standard conditions
- Mortgages: Conduct of Business Rules
- Civil Procedure Rules

*Stephanie Tozer, Falcon Chambers*

### 11.15 Coffee

### 11.30 Mortgage Repossession in the County Court

- Initial steps
- Taking the case to court
- Preparing for the hearing
- At the hearing
- After the hearing
- Common problems

*Colum Leonard, Stewarts Law LLP*

### 12.15 Dealing with Defences in Mortgage Actions

- Misrepresentation, fraud, actual undue influence and duress
- Abuse of trust and confidence (proof or presumption of trust and of abuse)

- *Etridge*
- Unconscionable bargain
- Forgery
- Non est factum
- Money claims - abuse of process and limitation

*Michael Nield, Maitland Chambers*

### 1.00 Lunch

### 2.00 Defaulting Borrowers Under Regulated Consumer Credit Agreements

- Agreements regulated under the Consumer Credit Act 1974
- Defences that can be raised by borrowers
- Unenforceable agreements
- Unfair relationships
- Time orders

*Peter Sayer, Gough Square Chambers*

### 2.50 Making the Best of a Bad Job: Subrogation and Shortfalls

- The theory and practicalities of subrogation
- Mortgage shortfall claims
- Apportionment of principal and interest
- Other limitation issues
- Practical obstacles to pursuing a claim

*Peter Dodge, Radcliffe Chambers*

### 3.40 Tea

### 3.55 Default and the FSA

- Dealing fairly with the customer: policies and procedures
- Provision of information requirements
- Comparison with CCA regulated agreements
- Whose fault was it anyway?

*Elizabeth Ovey, Radcliffe Chambers*

### 4.45 Chairman's Concluding Remarks and Questions

### 5.00 Conference Close

"An essential conference for all those who work in this fast moving and complex area of work"

Book via our website:  
[www.clt.co.uk](http://www.clt.co.uk)



[www.clt.co.uk](http://www.clt.co.uk)