

The 2008 Mortgage Repossession Conference

Avoiding the Practical Problems and Pitfalls

11 September 2008, London
23 September 2008, Birmingham
24 September 2008, Leeds

"This conference deals with a range of issues from preparing for the hearing through to the latest cases on enforcement"

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- 9.00 Registration and Coffee**
- 9.30 Chairman's Welcome and Introduction**
Michael Nield, Maitland Chambers
- 9.45 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*
- 10.45 Stating the Cases**
- Requirements of CPR 55
 - Misrepresentation, Fraud, Actual Undue Influence and Common Law Duress
 - Abuse of trust and confidence (proof or presumption of trust and of abuse)
 - Unconscionable bargain
 - Forgery
 - Non est factum
- Michael Nield, Maitland Chambers*
- 11.30 Coffee**
- 11.45 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, Maitland Chambers*
- 12.30 Questions**
- 12.45 Lunch**
- 2.00 Mortgage Fraud: Avoiding it and Considering the Professional Negligence Implications**
- The problem
 - Background
 - Lender responsibilities
 - Intermediary responsibilities
 - Typical cases solving the problem
 - Professional negligence implications
- Nick Baxter, Baxters Business Consultants*
- 3.00 Accounting to the Borrower**
- Accounts - the basic principles
 - Charging for a failure to pay - how can it be justified?
 - Legal costs - no order required
 - Tactics - what to do when
- Mark Fell, Radcliffe Chambers*
- 3.45 Tea**
- 4.00 Shortfall**
- Money judgments
 - Bankruptcy
 - Sue joint debtors
 - Sue the lawyer
 - Sue the valuer
 - Lender's contributory negligence?
 - MIPs/MIGs
 - Recognise fraud
- Michael Nield, Maitland Chambers*
- 4.45 Questions**
- 5.00 Conclusion and Chairman's Closing Remarks**
- 5.15 Conference Close**