

WBL Logbook Sheet Template

| Name: | |
|--|--|
| Learning Outcome and example number e.g. 1.1(1), 1.2(2), 1.2(1) 1.2(2) etc. | Page numbers from portfolio |
| 3.4(1) | 128 - 129 |
| Evidence provided and date of evidence e.g. Letter to client dated 01.01.2020 Telephone attendance note dated 01.01.2020 | |
| Email to client dated 8 April 2021 | |
| | |
| Explain how the example meets the learning shows this | g Outcome and how the evidence |
| Identify situations in which it was appropriat courses of action that might be available to y dealing with their legal matter: In this matter I behalf of my client and the Claimant / Part 20 De Judgment. | your client / service user in had obtained a default judgment on |
| In order to secure a recovery of the Judgment D available to my client. | bebt, there were a number of options |
| Evaluate and communicate the options (inclusion of each option) to the client / service user: I poutlining the various different options that they here the the claimant. I set out the costs of each option. | prepared an email to my client ad for recovering the Judgment |
| Reflection and evaluation Describe what you learnt from the activity you undertook to to complete this section at a later date once you have had to It is for clients to decide which course of act their legal matter, but in order to make an inf that they are provided with accurate and con- sets out all of the available options, the cost also an analysis of the risks and benefits of o | me to reflect on your practice and experience. ion to take when dealing with formed decision it is important nprehensive legal advice which s of each available option and |
| Supervisor's Name | |
| Please print the full name of the supervisor that supervised the | |

| Sent: | 08 April 2021 14:34 | |
|--------------|---------------------|--|
| То: | | |
| Attachments: | | |

Action Required – No Immediate Deadline

Hi

Action

Please confirm how you would like to proceed in this matter.

Update

Many thanks for your email.

The Claimant has not responded to our letter requiring payment of the judgment debt. Therefore, you may wish to consider enforcement options in this matter.

I set out **w**'s options below with regards to enforcing the debt:

1. Instruct Court Enforcement Services (CES) to attend the Claimant's property:

could instruct CES to attend the Claimant's property in an effort to recover the sums due by way of seizing goods/obtaining payment. If CES are successful, their charges will be recovered from the Claimant.

Instructing CES does not guarantee a recovery as there may not be any goods to seize or other occupier(s) may claim that any goods at the property do not belong to her. In such circumstances, CES will have to withdraw their involvement and in addition to the below fees, an abortive fee of $\pounds75.00 + VAT$ will be payable by

Please note the removal and sale of goods is an outline estimate but this is only likely to be charged if a decision is taken to remove and sell the goods but for some reason no or very little funds are realised (which CES says is rare). There will also be a fee of £66.00 payable for transferring the debt to the High Court.

| Table 2 Enforcement under a High Court Writ | | |
|--|-----------|--|
| Fee Stage | Fixed Fee | Percentage fee (regulation 7): percentage of sum to be recovered exceeding £1000 |
| Compliance stage | £75.00 | 0% |
| First enforcement stage | £190.00 | 7.5% |
| Second enforcement stage | £495.00 | 0% |
| Sale or disposal stage | £525.00 | 7.5% |

If this enforcement option fails we can consider alternative enforcement options at that stage. This is also likely to be the cheapest option for . Our fees for instructing CES and further correspondence are likely to be in the region of £250.00 plus VAT.

- 2. Load energy debt onto PAYG meter: We could ask the Claimant if she would consent to a PAYG meter being installed and the energy debt can then be uploaded onto the PAYG meter. However, this may be something that the Claimant will not agree to.
- **3. Obtain charging order:** The Claimant is the freehold proprietor of so we could apply for a charging order over her property. Title register attached. The fees to prepare the application for a Charging Order would be in the region of £1,000.00 £1,500.00 plus VAT (on the assumption that the Claimant does not object to us securing the charge). There is currently no financial limit to obtaining a charge, however, the only way to enforce a charge is by obtaining an Order for Sale, of which there is a £1,000.00 limit to obtain. The Judgment awarded to is less than £1,000 so an order for sale is unlikely to be a viable option, however, the debt would then be secured so in the event that the Claimant sells her property in the future, the debt would then be paid from the proceeds.
- 4. Application for Order to obtain information from the Claimant: As an additional option, could make an application for the Claimant to attend court and be questioned under oath or affirmation about her financial circumstances. If ordered to attend court, the Clamant will have to provide details of her bank accounts and this may open up prospects to make an application for a Third Party Debt Order (TPDO) against her. A TPDO is the process through which a judgment creditor obtains payment of a judgment through a third party (i.e. a bank or building society), if the debtor has sufficient funds to do so. This is a good tool to secure efficient cash recoveries of judgment debts. The questioning is usually undertaken by an Officer of the court however, we would recommend that we instruct counsel to attend the hearing to ensure the court form has been completed correctly and the questioning is completed to our satisfaction. If the Claimant fails to attend court on the date specified in the order, this could result in imprisonment. It is likely that our fees to deal with this application will be no more than £800.00 plus VAT (inclusive of Counsel's disbursement of £450.00 ex VAT and expenses).

Budget

The budget for this matter is £4,250 and fees & disbursements billed to date total £1,099 so there is plenty of room in the budget for to take any of the above options.

Please kindly confirm your instructions.

Kind regards

| _ | |
|----------|--|
| | |
| | |
| | |
| | |
| | |
| <u> </u> | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |