



## The Client Interviewing Competition for England & Wales

### Training Day at Oxford Brookes University 2017

#### Topic: Neighbour Disputes (Caldwell)

#### MEMO

Darren/Daisy Caldwell has made an appointment to see you. He/she said that there have been issues about land that he/she believes he/she owns.

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## Training Day at Oxford Brookes University 2017

### Topic: Neighbour Disputes (Caldwell)

Your name is Darren/Daisy Caldwell. You are 29 and live at 64 Moss Lane, Oxford, OX5 6EF. Make up an e-mail address and a telephone number.

You bought your home 11 years ago, with a high mortgage and help from your parents. You have lived here since you were 18 and as it was a derelict when you first bought it, you have done a lot of work on it and turned it into a home. The main feature of concern today is the back garden. You have brought a plan but only show it if asked. Otherwise try to describe it.

The back garden is fifteen feet long from the house and then there is a hedge and then another 3 feet and then a fence. The fence borders a field. When you bought the property 11 years ago, you didn't ask any questions about the garden, but you thought that it was pretty obvious that the whole of the land back to the field was owned by you. Maybe you should have asked questions, but really, it didn't occur to you to ask such a dumb question!

You work as an off shore engineer- 9 days off shore drilling and 5 days back home, so your hours are not standard and as such you don't have normal evening and weekend interaction with neighbours. When back, you tend to have spent most of your time developing the property and as such you are aware of the importance of maintaining good relationships with neighbours. You have managed to do this and have avoided any disputes since moving in; a small miracle considering how much work you have done.

The area beyond the hedge really isn't that useful for much, but you use it for storing wood, under a tarp cover. It's nice to have, and it's good to have access to the field because you can cut across it to get to a main road by foot. The farmer has never objected to people doing this. You have used the land constantly for the past 11 years and none of the neighbours have ever objected.

A month ago, number 62 was bought by a Mr and Mrs Hoynes. You had planned to go and welcome them to the area but it coincided with a period where you were off-shore. When you got back you discovered to your horror that someone had blocked off the archway through your hedge and had put a new fence all the way across the back of the 15ft stretch. This meant that you could not access your land at the back.

You went to ask the neighbours if they knew what had happened; number 66 said no, but Mr Hoynes answered the door and said that he had done it. When you asked why he said that it was his land, and curtly shut the door. Later, he put a copy of his title deeds through the door confirming that the 3 ft at the back belongs to that property. Apparently it used to be the estate property and the strip used to be a path that ran all the way down the row of properties to the main road. All of the other properties got it sorted out about 30 years ago but whoever owned the property before you apparently didn't.

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You think the situation is absurd and want the land confirmed as yours! Surely there must be some mistake and the Land Registry can fix it? You have money and so are prepared, if necessary, to pay for it to be sorted, but try and find out if there is any way to avoid this first.

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