

Example Statement of Case (Applicant)

The rules marked in the Statement of Case refer to the Adjudicator HM Land Registry (Practice & Procedure) Rules 2003 as amended, which can be found under [Rules & Legislation](#)

Also, for your ease, the rules have been attached at the end of the example of the Statement Case.

Case Reference: REF/2008/.....

A.B – Applicant

Vs.

C.D – Respondent

Statement of Case by A.B. - Applicant

Name and Address for Service:

This is the statement of case of A.B. The address for service of documents is care of Jack Jones & Co. of

Rule14(1)(a)

Reasons for supporting original Application:

The Applicant has at all material times namely since 1978 been the registered proprietor of the freehold property of the property situate at and known as

Rule14(1)(b)

The said property is registered at HM Land Registry under title number and is more particularly edged red on the plan annexed hereto (referred to as ‘the plan’) and marked EX1.

The Respondent is and has at all material times namely since 1979 been registered proprietor of the adjacent property situate at and known as (referred to as ‘the property’).

The property is registered at HM Land Registry under title number and is more particularly edged blue on the Plan.

In or around 1989 the Respondent discontinued possession of that part of the property hatched green on the plan comprising a concrete yard (referred to as ‘the Yard’) or alternatively was dispossessed of the same and the Applicant has been in continuous and exclusive possession of the yard.

Facts upon which the Applicant intends to rely:

Rule14(1)(c)

(1) From 1989 to 2005 the Applicant used the Yard for the storing of logs, plants and other items, and further used the same for the parking of 2 motor vehicles in connection with the use of the land in connection with the business of a garden centre from the adjoining property of the Applicant.

- (2) In or about 1989 the Applicant surfaced the Yard with gravel.
- (3) From 1989 to 2005 the Applicant has regularly resurfaced and maintained the yard. Receipts for resurfacing with gravel are provided as documents EX2 and EX3
- (4) In July 1989 the Applicant enclosed the Yard by means of a wooden post and rail fence, the only access being through the padlocked gate marked 'X' on the Plan. Only the Applicant and his agents have keys to the padlock. The receipt from Easyfence Ltd fencing contractors is provided as document EX4.
- (5) In 1996 the Applicant built 2 brick storage sheds on the Property. Documents EX5, EX6 and EX7 are photographs of the sheds being constructed.
- (6) Since 1996 the Applicant has used the Yard for the additional purpose of keeping chickens.

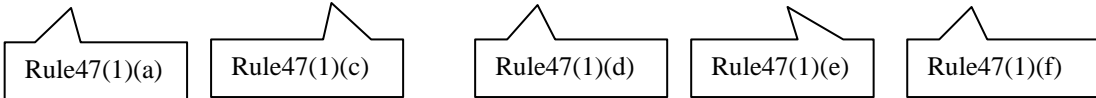
Having regard to the above, the Applicant has been in adverse possession of the Yard for a period in excess of 12 years.

By reason of the facts, the Applicant is entitled to be registered as proprietor of the yard.

Rule27(2) as altered by the Adjudicator's direction under Rule 27(5)

Documents upon which the Applicant intends to rely:

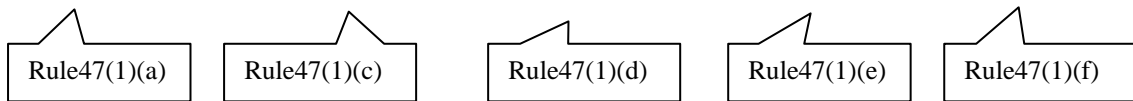
Description	Original/ Copy	Date of document	Parties	Document number
Plan	Original	27/2/2005	N/A	EX1
Receipt	Original	12/7/2002	N/A	EX2
Receipt	Original	21/6/2004	N/A	EX3
Receipt	Original	5/7/1989	N/A	EX4
Photo	Original	April 1996	N/A	EX5
Photo	Original	April 1996	N/A	EX6
Photo	Original	April 1996	N/A	EX7



Other documents in the Applicant's possession or control which affect the case but upon which the Applicant does not seek to rely:

Description	Original/ Copy	Date of document	Parties	Document number
Plan	Original	27/2/2005	N/A	EX1
Receipt	Original	12/7/2002	N/A	EX2
Receipt	Original	21/6/2004	N/A	EX3
Receipt	Original	5/7/1989	N/A	EX4
Photo	Original	April 1996	N/A	EX5
Photo	Original	April 1996	N/A	EX6
Photo	Original	April 1996	N/A	EX7

Rule27(2) as altered by the Adjudicator's direction under Rule 27(5)



List of witnesses the Applicant intends to call:

- 1) Mr. J. C. Adams of Easyfence Ltd – fencing Contractor
- 2) Mr. F. Jackson of Jackson Surfacing Ltd – Building Contractor
- 3) Ms. N. Wrigley – Garden Centre Assistant (employee)
- 4) Mr. A.B – The Applicant

Rule 14 (1) (e)

I believe/the Applicant believes that the facts contained in this Statement are true

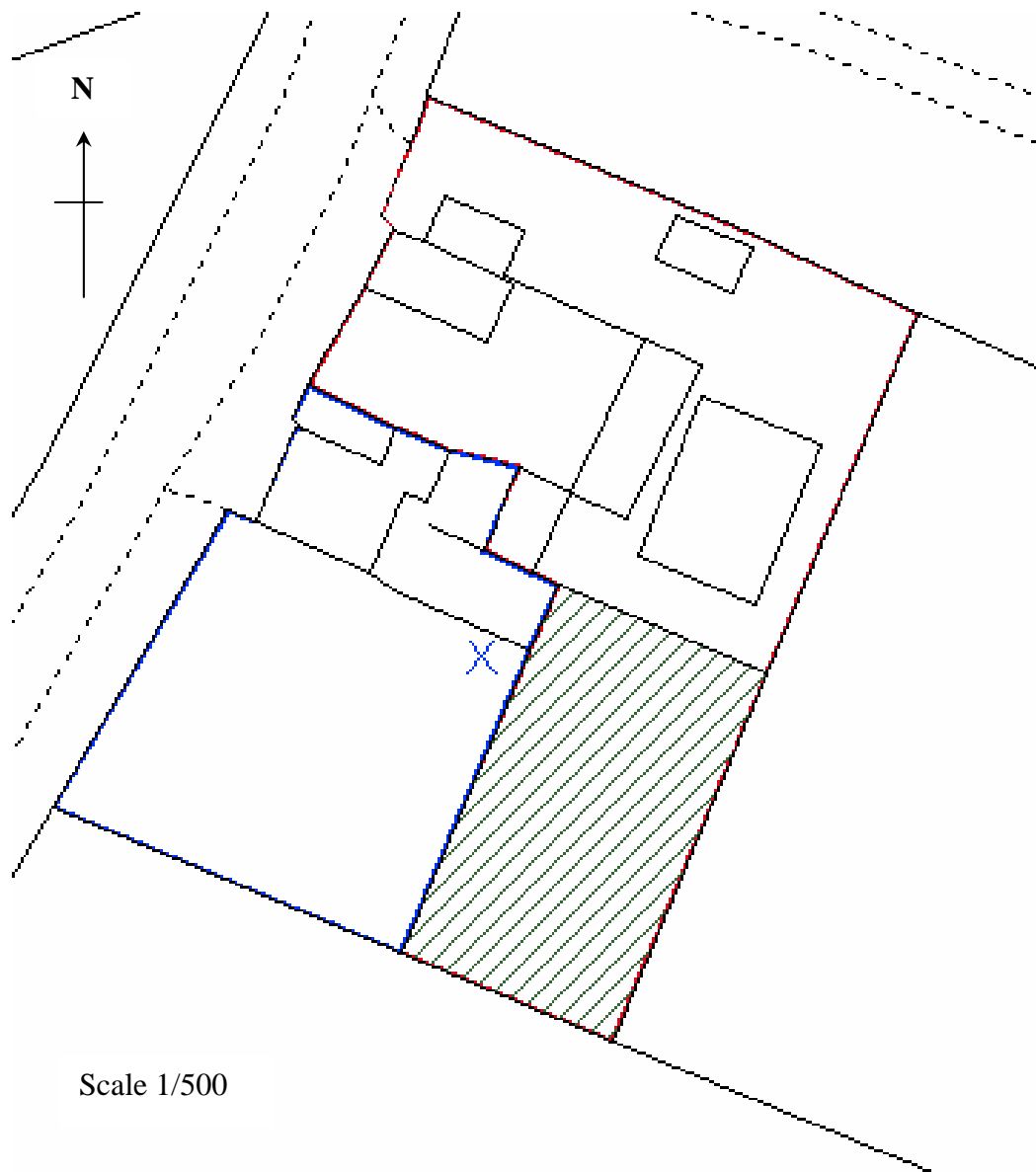
Rule14(1)

Signed

..... (Applicant(s)/representative)

**I am the Applicant/Applicant's
Representative and my relationship to the
Applicant is**

Plan EX1



Scale 1/500

The Adjudicator to H M Land Registry (Practice and Procedure) (Amendment) Rules 2008 set out a series of amendments to the Adjudicator to H M Land Registry (Practice and Procedure) Rules 2003.

The text below is intended to set out the relevant 2003 Rules incorporating the amendments effected by the 2008 Rules. This is not an official document. It has been prepared by the Adjudicator's office and is intended only for the guidance of parties to proceedings before the Adjudicator. It should not be used for any other purpose.

Please note that, while every care has been taken to ensure that the text is accurate, no liability is accepted for any errors which remain. In the case of any conflict between this text and the 2003 and/or 2008 Rules, the Rules will prevail.

The amended rules only apply to cases where either the reference from the Land Registry or the application for rectification is received by the Adjudicator on or after 25 August 2008. They may also apply to cases received on or after 25 July but before 25 August, but only if the Adjudicator specifically directs that they shall apply.

Rules 14 and 47

Statement of case

14. - (1) Where under these Rules a party is required to provide a statement of case, that statement of case must be in writing, be verified by a statement of truth and include--

- (a) the name of the party and confirmation of the party's address for service;
- (b) the party's reasons for supporting or objecting to the original application;
- (c) the facts on which the party intends to rely in the proceedings; and
- (d) *Omitted*
- (e) a list of witnesses that the party intends to call to give evidence in support of the party's case.

(2) If in relation to part only of the matter –

- (a) a party has been directed to commence or has commenced court proceedings; or
- (b) the adjudicator has adjourned proceedings before him,

the adjudicator may direct that the statement of case should contain the information specified in paragraphs (1)(b) to (1)(e) inclusive only in relation to the part of the matter that is not before the court for the court's decision or has not been adjourned before the adjudicator.

List of documents and documents

47. - (1) For the purposes of these Rules, a list of documents must be in writing and, subject to paragraph (1A), must contain the following information where available in relation to each document -

- (a) a brief description of the nature of the document;
- (b) *Omitted*
- (c) whether the document is an original, a copy certified to be a true copy of the original, an office copy or another type of copy;
- (d) the date of the document;
- (e) the document parties or the original author and recipient of the document; and
- (f) the version number or similar identification number or code of the document.

(1A) If a large number of documents fall into a particular class, that class of documents may be listed in accordance with paragraph (1) as if it were an individual document.

(1B) If a class of documents is listed in accordance with paragraph (1A), the description of the class of documents must be sufficiently clear and precise to enable any party receiving the list to identify—

- (a) the nature of the contents of each document included within that class of documents; and
- (b) whether any particular document which exists is included within that class of documents.

(2) Unless the adjudicator otherwise permits, where a document provided for the purposes of the proceedings is or contains a coloured map, plan or drawing, any copy provided of that map, plan or drawing must be in the same colours as the map, plan or drawing of which it is a copy (so for example, where a plan shows the boundary of a property in red, a copy of the plan must also show the boundary in red).